

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD WALTER,

Plaintiff,

v.

DAVID GAUVEY HERBERT, et al.

Defendants.

Case No. 3:23-cv-02166-MEM
(Hon. Malachy E. Mannion)

**EXHIBITS IN SUPPORT OF
MOTION TO DISMISS BY DEFENDANTS
DAVID GAUVEY HERBERT AND NEW YORK MAGAZINE**

Exhibit No.

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|---|---|
| David Gauvey Herbert, <i>The Case of the Fake Sherlock</i> , New York Magazine (Apr. 11, 2023)..... | 1 |
| Deposition of R. Walter, <i>McGuffin v. Dannels</i> , 20-cv-01163-MK (D. Or. June 30, 2022)..... | 2 |

Exhibit 1

NEW YORK

APRIL 10-23, 2023



Richard Walter in 1992.

FEATURES

How Stormy Daniels Sees It Ending

She spent the night with a tacky
reality-television star.
The rest is now American history.
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Emma Tucker's Deadline

The newly appointed *Wall
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The Case of the Fake Sherlock

How Richard Walter used phony
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history to secure convictions.
By David Gauvey Herbert

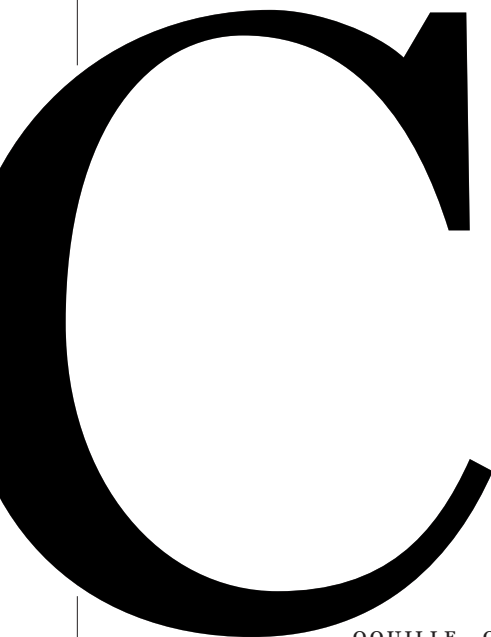
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Richard Walter was hailed as a genius criminal profiler at murder trials, at forensic conferences, and on true-crime TV. In reality, he was a fraud. How did he get away with it for so long?

The Case of the Fake Sherlock

By David Gauvey Herbert





COQUILLE, ON the Oregon coast, is a two-stoplight town where mist rolls off the Pacific and many of the 4,000 residents work in lumber and fishing. On the night of June 28, 2000, a 15-year-old named Leah Freeman left a friend's house and set off on her own. She was seen walking past McKay's Market, the credit union, and the high school, but she never made it home. At a gas station, a county worker found one of Leah's sneakers.

The local paper published Leah's school photo: big smile, mouthful of braces. Police and a donor put together a \$10,000 reward for information leading to her safe return. K-9 units swept the school grounds, and police set up roadblocks and interviewed motorists. On its sign, the Myrtle Lane Motel posted a description of Leah. A month later, the message was replaced with Job 1:22: "The Lord gives. The Lord takes." A search party had found Leah's body at the bottom of an embankment, severely decomposed. "We prayed for her to return," the motel manager told a reporter. "And now we can pray for whoever did this to be caught."

But the killer was not caught. The police had initially treated Leah as a runaway before mounting a search, and when the FBI and state police finally arrived, investigators were too far behind. They never recovered. As months turned into years, Coquille police dwelled on one suspect whose story never quite made sense to them: Nick McGuffin, Leah's 18-year-old boyfriend. Friends had seen them argue. Police said he switched cars the night she vanished and flunked a polygraph. The hunch was there, but the physical evidence wasn't.

In January 2010, a new team of detectives and a prosecutor flew to Philadelphia to pursue a last-ditch option: to present the case to a league of elite investigators called the Vidocq Society, which met once a month to listen to the facts of cold cases and sometimes venture instant insights. The group's co-founder, Richard Walter, was billed as one of America's preeminent criminal profilers, an investigative wizard who could examine a few clues and conjure a portrait of a murderer.

Walter was tall and gaunt with a hard-to-place, vaguely English accent. He favored Kools and Chardonnay, and he was never photographed in anything but a dark suit, a tiny smile often curling at the corner of his mouth. His public profile was about to explode. A publisher was finalizing a book about the Vidocq Society, *The Murder Room*, which detailed Walter's casework on four continents and claimed that at Scotland Yard he was known as "the living Sherlock Holmes."

In Philadelphia, members of the Coquille team presented Leah Freeman's murder to the Vidocq Society. Later, at a private dinner, Walter dangled before them a tantalizing profile that suggested the killer was indeed McGuffin, the boyfriend they had suspected all along. Soon, Walter traveled to Coquille and examined crime scenes with the police chief, trailed by a camera crew from ABC's *20/20*.

Building on the momentum of Walter's visit, the authorities arrested McGuffin and charged him with killing Leah. As he awaited trial, he watched the *20/20* episode about his case from the Coos County jail. There on TV was Walter, a man he had never met, all but accusing him of murder. "It's sweet revenge," Walter said with a grin. "And I take great personal satisfaction in hearing handcuffs click." McGuffin was convicted and sentenced to a decade in prison. In the years to come, he would often sit in his cell and wonder: Who *was* that thin man smoking on the screen?

Richard Walter is many things and little that he claims. Since at least 1982, he has touted phony credentials and a bogus work history. He claims to have helped solve murder cases that, in reality, he had limited or no involvement with—and even one murder that may not have occurred at all. These lies did not prevent him from serving as an expert witness in trials across the country. His specialty was providing criminal profiles that neatly implicated defendants, imputing motives to them that could support harsher charges and win over juries. Convictions in at least three murder cases in which he testified have since been overturned. In 2003, a federal

judge declared him a "charlatan."

Walter refused several requests for an interview. "You have earned one's distrust that merits severing any contact with you in the future," he wrote me, veering into strange pronoun usage. "Under no circumstances would himself cooperate in your suspicious activities."

Many of his misdeeds were a matter of record before he ever stepped foot in Coquille. And yet Walter continued to operate with impunity, charging as much as \$1,000 a day as a consultant. America's fragmented criminal-justice system allowed him to commit perjury in one state and move on to the next. Journalists laundered his reputation in TV shows and books. Parents desperate for closure in the unsolved murder of a son or daughter clamored for his aid. Then there was Walter's own pathology. He so fully inhabited the role of celebrated criminal profiler he appeared to forget he was pulling a con at all.

IN RICHARD WALTER'S telling, he was fated for a grim life studying criminals. But schoolmates who grew up with him in the rolling orchard country of 1950s Washington State remember an outgoing, popular kid who liked the piano and led the prayer band at a Seventh Day Adventist boarding school. In September 1963, at the age of 20, he married a former classmate and briefly took a job at a funeral home. ("He didn't want to work with any old, stinky bodies," his brother recalled in an interview.) After ten months, his wife filed for divorce, citing "mental cruelty." What happened over the next several years is unclear. When asked in a recent deposition where he lived and worked during that period, Walter said, "I don't remember."

Walter resurfaces in the public record in 1975, when he graduated from Michigan State University with bachelor's and master's degrees in psychology. He got an entry-level position as a lab assistant in the Los Angeles County Medical Examiner's Office. He was 33 and making roughly \$3 an hour washing test tubes. He considered a doctoral program but instead took a job in 1978 as a staff psychologist at a place where he'd be able to see patients without any further qualifications: Marquette Branch Prison on Michigan's Upper Peninsula.

Walter's rapport with prisoners was poor—he often conducted interviews through a closed steel door—and he could be petty. An inmate sued Walter after he refused to pass along a dictionary sent by his mother. Two psychiatric experts and a federal judge questioned his ability to diagnose mental disorders and render basic mental-health services. Eventually,

TRUE-CRIME TV LOVED HIM



Walter on a 2009 episode of A&E's 'Forensic Factor: The Unexpected Perpetrator' discussing a double homicide in Wisconsin.

Walter's duties largely involved conducting intake interviews with inmates. "What I call meatball stuff," says John Hand, who also worked in the state prison system as a psychologist. "Talk to them for a little while, make sure they're not totally crazy."

Away from the prison, though, Walter presented his job as giving him unique insights into the criminal mind. He became a regular at conferences hosted by the American Academy of Forensic Sciences, which was rising in stature on the strength of specialties like hair microscopy, bullet-lead analysis, and criminal profiling.

Profiling was especially hot. The FBI's Behavioral Science Unit was going from fringe to mainstream: The profilers there had consulted on fewer than 200 cases in all of the 1970s, but by the middle of the next decade, they were providing hundreds of assists per year. The unit began attracting big personalities. "Where there are stars, there are wannabe stars," says Park Dietz, a forensic psychiatrist who has worked with the BSU. "Those with big egos will often gravitate to those centers of narcissistic glory."

In 1982, Walter became a full member of the AAFS, a powerful credential. That year, for the first time, he would try on his invented persona in a courtroom.

ROBIE DRAKE WAS wearing military fatigues and carrying rifles and hunting knives when he left his home in the Buffalo suburbs. It was just before midnight on December 5, 1981, and the 17-year-old headed to an area of North Tonawanda filled with abandoned vehicles. He took aim at a 1969 Chevy Nova and fired 19 rounds into the passenger-side window. From inside the car, he heard groaning. The location was also a lover's lane, and his bullets had struck Stephen Rosenthal, 18, and Amy Smith, 16. Drake then stabbed Rosenthal in the back. Two police officers on a routine patrol spotted Drake stuffing Smith's body into the trunk of the Nova.

The case appeared open and shut. But the prosecutor, Peter Broderick, saw weaknesses. Drake insisted it had all been a mistake, and his reasons were just plausible enough to imagine holdouts on a jury. The scene had been dark. Drake said he'd shot the car for target practice, thinking it was empty, and panicked when he heard Rosenthal and stabbed him to make the noise stop. However unlikely that sounded, Broderick lacked a clear motive, and intent would be the sole issue separating a murder conviction from a lesser charge of manslaughter. "All I needed was some reasonable explanation for why this

thing happened," Broderick later said.

Broderick suspected Drake's motive was sexual, and he hired Lowell Levine, a forensic odontologist, to testify that faint marks on Smith's body were signs of post-mortem biting, which was possible evidence of a sex crime. Levine suggested that to firm up that angle, the prosecutor should bring in another expert—someone he'd recently met at an AAFS conference. Two weeks later, Broderick drove to the airport and picked up Richard Walter.

On the stand at Drake's trial, Walter related an impressive—and fictional—résumé. He falsely claimed that at the L.A. County Medical Examiner's Office, he had reviewed more than 5,000 murder cases. Walter also said he was an adjunct lecturer at Northern Michigan University (he had spoken there informally, possibly just once), wrote criminology papers (he had never published), and had served as an expert witness at hundreds of trials (he'd testified in two known cases—about a simple chain-of-evidence question and in a civil suit against a car company).

Walter told the jury that Drake had committed a particular type of "lust murder" because he was driven by "piquerism," an obscure sadistic impulse to derive sexual pleasure from penetrating people with bullets, knives, and teeth. Drake's attorney told the court that he could not find any expert who had ever heard of piquerism, but the judge denied his request for more time to find a rebuttal psychologist. Drake was convicted of second-degree murder. Back in Michigan, Walter sent Broderick an invoice. For securing two consecutive terms of 20 years to life, his fee was \$300.

The trial was the end of Robie Drake's

freedom and the beginning of Walter's new career. He continued testifying in occasional murder trials and inflating his qualifications. By 1987, when he took the stand in *State of Ohio v. Richard Haynes*, he held himself out as a superstar in his field, telling the prosecutor that he was one of just ten or so criminal profilers trusted by the FBI.

Walter lectured widely, giving speeches like "Lust, Arson and Rape: A Factorial Approach" and "Anger Biting: The Hidden Impulse." Audiences loved his entertaining, wry style. "His story, as many of Richard's, has to be heard from his own mouth," wrote an amused attendee after Walter's presentation at a 1989 conference hosted by the Association of Police Surgeons of Great Britain. "It would lose all by repetition by another."

Walter was about to get a new venue for his theatrics. According to one version of events, it was around this time, at an AAFS convention, that Walter met Frank Bender, an eclectic Philadelphia artist who had begun a sideline in forensic sculpture, reconstructing busts from decomposed bodies. Bender was plugged into the local law-enforcement scene, and he introduced Walter to Bill Fleisher, a Customs agent. At a diner, the three talked about cases until the sun set. Standing on the sidewalk in the cold, they had the idea to organize a bigger confab—a group of law-enforcement professionals who would meet regularly and talk murder over lunch.

"What," Bender asked, "are we going to call our club?"

THE NAMESAKE OF the Vidocq Society—which Walter, Bender, and Fleisher established in Philadelphia in 1990—is

Eugène-François Vidocq, a 19th-century French criminal turned detective who is considered the father of modern criminology. Some of the club's early members had impressive jobs as Customs agents, IRS investigators, and U.S. marshals, but there were also advocates of dubious fields like polygraphy and statement analysis. Few had extensive experience with homicide. That didn't matter much at first, as the group spent its initial meetings—usually held at Philadelphia restaurants or social clubs—discussing historical cases like the Cleveland “Torso Murders” of the 1930s. But soon the members began taking on more recent unsolved murders in which they might have a shot at catching a killer.

Criminal profiling was becoming a pop-culture sensation, thanks in large part to the 1991 blockbuster *The Silence of the Lambs*,

CBS's *48 Hours* came to a Philadelphia dining hall to watch the Vidocq Society consider the case of Zoia Assur, a 27-year-old who was found dead in the woods of Ocean County, New Jersey. Her fiancé, an ophthalmologist named Ken Andronico, suspected her death was not a suicide but murder, and a friend of Andronico's had approached the organization for help. Fleisher presented the facts and concluded, in a thick Philly accent, “Now, our case begins.”

CBS correspondent Richard Schlesinger raced around the room to solicit theories. “Murder or suicide?” he asked club members as they tucked into plates of chicken Marsala. “Murder!” they blurted through full mouths. “We haven't even gotten to dessert yet!” Schlesinger cried with delight. Walter told the camera that Andronico might have been the killer. “He's playing

Others were not so lucky. At the Vidocq Society's April 1992 meeting, a Philadelphia homicide detective named Bob Snyder walked to a podium, opened a thick file, and presented the cold-case murder of Deborah Wilson, an undergraduate at Drexel University who had been killed after working into the night at a computer lab. Waiters served lunch as members viewed photos of the bloody crime scene and her foamy saliva, which indicated strangulation. Afterward, Walter offered an insight: Wilson's sneakers had been removed, indicating that the killer had a foot fetish.

When police later searched the home of David Dickson, a security guard on duty the night of the murder, they found a collection of women's sneakers and foot-fetish pornography. The press called him “Dr. Scholl,” and Dickson was charged with murder. In court, his attorney protested that the alleged motive was absurd. “This man is a sneaker sniffer, not a murderer!” he cried. But the prosecutor was Roger King, a powerhouse who claimed to have put more men on death row than anyone else in the history of his office. One jury deadlocked, but King won the retrial. Dickson was sentenced to life in prison.

The Vidocq Society pinned a medal on Snyder, and the club celebrated cracking a major case. But Walter was the real winner. His theory had led to the arrest and conviction. He would cite the case in media interviews for decades.

King died in 2016. Five years later, the Philadelphia *Inquirer* published a major investigation into his tactics, finding that he had routinely manipulated witnesses, withheld exculpatory evidence, and employed jailhouse snitches whose credibility he knew was suspect—including one, John Hall, who testified against Dickson. Hall's wife had helped him fabricate testimony by sending newspaper clippings to him in jail. “Nothing he said was true,” she told the *Inquirer*. At least seven of King's murder convictions have been overturned.

Dickson's could be next. In the fall, his attorney filed a petition with the court arguing that King withheld or twisted information critical to Walter's foot-fetish theory, including the possibility that the victim's sneakers may not have been taken from the scene after all.

THE RICHARD WALTER story is not the case of an impostor who goes undetected, one misstep away from being discovered and exposed. Lots of people saw signs; few had incentive to do anything about it. Throughout the 1990s, he continued to

A COLD-CASE CLUB GLORIFIED HIM



A Vidocq Society luncheon as seen on a 1992 ‘48 Hours’ episode called “Hard Evidence—Mystery on the Menu.” Walter is at right.

which made \$272 million and swept the Academy Awards. “It was a very exciting time,” says Jana Monroe, an FBI profiler who helped Jodie Foster prepare for her role in the film. “But the FBI didn't like all the media attention.” The Vidocq Society moved into the vacuum, quickly notching write-ups in the Philadelphia *Inquirer* and the New York *Times*.

Reporters relished describing the three co-founders: Walter was the chain-smoking genius; Bender was the artist, conspicuous among the suits in T-shirt and jeans; Fleisher was the teddy-bear G-man, prone to tearing up during presentations. Hollywood began calling, as did network TV.

that high-risk game of “Catch me if you can,” he said with a smile.

Andronico—who had been more than a thousand miles away in Florida at the time of Assur's death—watched the *48 Hours* episode from his apartment with his mouth agape. Patients began canceling their appointments, and his medical practice was upended for years. He was never charged with a crime. (Retired Ocean County detective James Churchill dismisses the theory and the Vidocq Society's involvement. “They never looked at the file, they never had any statements, they never had any medical records,” Churchill says. “I thought it was just preposterous.”)

work in the Michigan correction system as a psychologist, and word eventually got around about his profiling sideline. Some found the arrangement comical. "If he's got an international reputation, why is he working in a prison for \$10,000 a year?" Hand, his contemporary, says with a laugh.

Many others saw through Walter's act. Retired FBI agent Gregg McCrary recalls that the Behavioral Science Unit once invited Walter to Quantico to ask him questions about inmate behavior. "The narcissism, I think, was obvious. He really thought he knew a lot," McCrary says. The agents learned little, and he was not invited back. "Richard Walter is largely a poseur," McCrary says. "What I say about Richard is he's an expert at being an expert, at playing one and convincing people that he is."

Walter's victims struggled to get anyone to pay attention, even when they caught him in obvious lies. In 1995, Robie Drake still had decades to go on his sentence. From his maximum-security prison in upstate New York, he'd been digging into Walter's résumé on an antiquated computer terminal. He had married a nurse 24 years his senior named Marlene, and she helped, requesting documents and contacting Walter's former employers. They found the various ways in which Walter had perjured himself, but when Drake appealed, a court denied his motion without a hearing.

Marlene then sent the American Academy of Forensic Sciences a 13-page dossier of Walter's inflations and outright falsehoods. Officials at the organization acknowledged in internal memos that Walter had padded his résumé, but they decided to reveal as little as possible about their internal deliberations. "We do have to worry about public appearances," Don Harper Mills, a pathologist who was chairman of the ethics committee, wrote to his colleagues. In a February 1996 letter to Marlene, Mills delivered his verdict in a single paragraph. "Most of the issues do not involve the Academy's Code of Ethics," he wrote. "The Committee has concluded unanimously that there was no misrepresentation and therefore no Code violation."

One reason Walter kept skating by is that defendants like Drake existed in an ethical twilight. He was a guilty man robbed of due process. An expert witness had lied, and he had perhaps spent more of his life in prison than was warranted because of it, but he had killed two teenagers. What was Walter's perjury next to that?

Walter was also galvanized by support from an unimpeachable group: victims' families. He spoke before the Parents of Murdered Children, a nonprofit that offers

The TV correspondent raced around the dining room, soliciting theories. "Murder!" the sleuths blurted through full mouths of chicken Marsala.

grief counseling and helps families lobby parole panels against early releases, and later joined the board. At the group's annual conference, he granted private audiences to devastated parents. After years or decades of frustration with police and prosecutors, they appreciated Walter's shared sense of anger, like when he said that some murder suspects should be handled with "seven cents' worth of lead."

Walter knew how to give delicious, cinematic quotes, and he cultivated his eccentricities for journalists and producers. He boasted of subsisting on cigarettes and cheeseburgers. He said that when the time was right, he would "lie down to quite pleasant dreams" using sodium pentothal. He once yelled at a suspect, "I'll chew your dick down so far you won't have enough left to fuck roadkill."

The effect was irresistible. In *A Question of Guilt*, a Nancy Drew and Hardy Boys crossover novel published in 1996, the iconic teen detectives run into one another at a meeting of the Vidocq Society. Filmmakers courted Walter and his co-founders for years, taking them to dine at Le Bec-Fin. Walter told the *Binghamton Press & Sun-Bulletin* that a producer wanted Kevin Spacey to play him in a movie. In 1997, Danny DeVito's Jersey Films purchased the Vidocq creators' story rights in a deal worth as much as \$1.3 million. (No film was ever made, Fleisher says, and the founders received a fraction of that amount.)

Money doesn't seem to be what drove Walter. While his lifestyle had some flourishes—he slept in an antique Chinese bed and played Tchaikovsky on a 1926 Chickering grand piano—he mostly lived frugally. He drank bottom-shelf wine and drove a succession of Crown Victorias into the ground.

The relish with which he played the role of a genius profiler points to another, stronger motivation: ego. "He totally cannot be in a social setting where he is not the center of attention," says a longtime Vidocq Society member. At meetings, Walter tended to speak last, rendering his

judgment to a roomful of nodding heads. "He's been hyped so much by the leadership in the organization," says the member. "Nobody challenges him." (A spokesperson for the organization disputes this.)

It's difficult to look at Walter's body of work—real or claimed—and not notice some preoccupations. Of the more than 100 papers and presentations listed on his résumé, roughly a quarter pertain to homosexuality or sex crimes. A representative example, "Homosexual Panic and Murder," is a case study based on interviews he conducted with an inmate who had murdered a man and then cut off one of his testicles.

"The homosexual: not really a man," Walter testified once in a murder case. "He is a discount person; therefore, if I need to be great, if I need to satisfy my ego, if I need to satisfy my needs for power, if I need to surmount, if I need to have a demonstration of my power, well, what better way to do it?"

In September 2002, two police officers from Hockley County, Texas, flew to Philadelphia for the society's help in solving a cold case. According to a 2003 account in *Harper's*, during a private meeting after the luncheon, Walter in lurid detail pronounced the Texas murder a case of "homosexual panic"—one man suddenly killing another after a tryst. He and Frank Bender invited the detectives out to dinner, where Walter became increasingly intoxicated, according to the magazine. "They're making a movie about us," Walter said, toasting with his Chardonnay. "Frank's the pervert and I'm the guy with the big dick!"

Walter continued to press his theory. "It seemed like it didn't matter what the case was, he just thought it was some kind of sexual deviancy or homosexuality, which I disagreed with," says one of the Texas officers, Rick Wooton. No arrest has been made in the case. Walter, he says, was no help.

IN SEPTEMBER 2000, Walter retired from the Michigan Department of Corrections at 57 and moved to Montrose, a town in

Pennsylvania with a population of 1,300. “Everyone was falling all over him because of his reputation,” says Betty Smith, the former curator of the local historical society. Walter tells neighbors that he came to testify in a murder trial, fell in love with the town, and decided to stay. But two attorneys involved in the case say they don’t recall ever meeting him.

Walter took on more freelance work. When he arrived in small towns around America, his presence was front-page news. In at least seven separate cold cases, Walter spoke to local reporters and delivered his catchphrase—a warning to the killer that his arrest was imminent: “Don’t buy any green bananas.” Walter’s work did not lead to arrests in five of those cases. In a sixth, his favored suspect, a Catholic priest, committed suicide, and Walter gleefully claimed credit for his death.

Meanwhile, from his prison cell upstate, Robie Drake persisted in appealing his conviction. In January 2003, he finally got a win. Referring to Walter and his piquerism theory, a federal judge wrote that “the witness was a charlatan” and that “his testimony was, medically speaking, nonsense.” In a deposition that July, Walter was evasive as Drake’s attorney pressed him on the tasks he performed at the L.A. County Medical Examiner’s Office.

“What were you doing?” the attorney asked.

“Good question,” Walter replied.

“It’s the only question.”

By 2009, the Second Circuit decided it had seen enough: Walter had perjured himself with the prosecution’s knowledge. The judges ordered a new trial. Prosecutors used a technique for analyzing bullet trajectory to argue that Drake had been closer to the Chevy Nova than initially thought, suggesting he must have known people were inside. In 2010, a jury convicted Drake again. He had exposed Walter as a fraud, but for his troubles the judge extended his original 40-year sentence by an extra decade.

Throughout his career, Walter had benefited from the fractured nature of the American legal system. Especially in the years before digitized records, a public defender in one place suspicious of Walter would have trouble tracking him across jurisdictions. The Second Circuit’s ruling was harder to run from. Luckily for Walter, a reputation reset was on the way.

Several years earlier, the author Michael Capuzzo, who had written a best seller on shark attacks, had scored a blockbuster \$800,000 advance for a book about the Vidocq Society. *Publisher’s Weekly* described it as “a true tale about a mysterious group of skilled detectives who use their skills to solve only the most despicable of crimes, led by a figure who seems to be a contemporary Sherlock Holmes.”

Later, another author, Ted Botha, sold a proposal for a book about Frank Bender and his forensic sculptures. He worried about Capuzzo’s three-year head start. And yet, as he reported, he never came across anyone who had spoken to Capuzzo. “I was quite amazed,” Botha says. “This guy’s gotten a wack-load of money, and there doesn’t seem to be anything happening.” Botha interviewed Walter but got a sense that something was amiss. He confined Walter to a handful of pages when he published his book, *The Girl With the Crooked Nose*, in 2008.

Capuzzo’s volume, *The Murder Room*, was published two years later. It was an instant hit and would go on to sell roughly 100,000 copies, despite purple prose that described Walter as “the angel of vengeance” and “the ferryman poling parents of murdered children through blood tides of woe.”

The book repeated and expanded on dozens of falsehoods in Walter’s résumé. In the Michigan prison system, he wrote, Walter could shut off hot water and put inmates on a diet of “prison loaf,” with three meals a day blended and baked into a tasteless brick. “You will learn to control yourself or I will control you,” he allegedly told them. But a

prison spokesman disputes that a psychologist could leverage showers and meals in that way. “Maybe in *Shawshank* or something,” he says. “But not in real life.”

Walter also claims in the book that Michigan State hired him as an adjunct professor and that he collaborated with the university police to investigate gay twin brothers who fondled football fans without their consent outside Spartan Stadium. But a Michigan State spokesman denies that Walter has ever been employed by the school.

The book repeats Walter’s claim to have solved the notorious 1986 murder of Anita Cobby, a former beauty queen who was gang-raped and nearly beheaded in Australia. Detective Ian Kennedy, who led the investigation, tells me he has never heard of Walter. Other supposed feats are stranger still. Capuzzo details the murder of Paul Bernard Allain, whose boss, Antoine LeHavre, brings the case to the Vidocq Society. In a twist, Walter accuses LeHavre of killing Allain himself, the result of a homosexual affair gone awry. But Allain and LeHavre do not seem to appear in any legal or public-record databases. Capuzzo may have changed the names; he or Walter may have made up the whole story.

Bender and Fleisher grumbled to the *Inquirer* that Capuzzo had taken too much creative license. “There are parts of that book I know are not true,” Bender said. (He died in July 2011. Fleisher didn’t respond to requests for an interview.) But Walter joined Capuzzo on a nationwide book tour. “It’s fun to play detective,” said NPR host Dave Davies as he described the Vidocq Society on *Fresh Air*. “But they aren’t playing.”

Walter was in his glory. “There’s a price to pay,” he told listeners of his macabre life’s work. “I’m willing to pay it.”

Capuzzo did not respond to requests for comment. He has not written another book, and today he publishes a Substack promoting vaccine conspiracy theories. During a recent podcast appearance, he said that several years ago, he heard a voice in his head say, “I am here. Tell my story.”

Walter told the jury that the defendant was driven by “piquerism”—an obscure impulse to derive sexual pleasure from penetrating people with bullets, knives, and teeth.

BY THE TIME *The Murder Room* rein-vigorated the myth of Richard Walter, a decade had passed since Leah Freeman’s murder. In Coquille, the candlelight vigils had grown smaller. Pink JUSTICE FOR LEAH hoodies spent longer intervals in the closet. Leah’s father died; her mother, Cory Courtright, regularly posted about the case on the message board Websleuths and interacted with amateur gumshoes, desperate for a break in the case. Nick McGuffin, now 28, had tried to move on.

HIS VICTIMS WOULD EXPOSE HIM



Nick McGuffin during the final moments of his trial in 2011.



Robie Drake is escorted into court in 2010.

He'd had a daughter, graduated from culinary school, and become the head banquet chef at a casino in Coos Bay.

Coos County had a new district attorney named Paul Frasier, and he helped Coquille hire its next police chief, Mark Dannels, who committed to reopening the case. Dannels took down the old evidence boxes and assembled a cold-case team. Soon, they were flying to Philadelphia and huddling with Walter. Separately, an ABC producer had an idea: Wouldn't it be gripping television to follow the Vidocq Society in the field? A team from *20/20* shadowed Walter in Coquille as he assisted the investigation of Leah Freeman's murder, and the network built an episode around him and *The Murder Room*.

The killer, Walter told the camera, was "that muscle-flexing, Teutonic kind

of braggart who thinks he's John Wayne, who wants to be a bigger man than what he is." He encouraged the police to focus on McGuffin. There was no new physical evidence, but Walter rearranged puzzle pieces that didn't quite fit and crafted his own theory: McGuffin was a jealous boyfriend who hit Leah in the face and dumped her body in the woods.

Cops played tough for *20/20* producers as they tailed McGuffin around town, hoping to provoke him. "In my opinion, he needs to be poked at a little bit," one officer said. Correspondent Jim Avila, who had reported from Beirut and the Gaza Strip, chased McGuffin's car, asking him why he wouldn't talk.

On August 24, 2010, police arrested McGuffin near his home. "Why do they think you did it?" an ABC producer asked

as he was handcuffed in his chef's jacket. "Because they have nothing else to go on and I'm the boyfriend," McGuffin said.

Just what contribution Walter made to the case is now the subject of intense legal scrutiny. Paul Frasier, the district attorney, has insisted in a series of memos that he was suspicious of Walter, learned about the Robie Drake case, and resolved not to rely on him. Yet Walter's fingerprints were all over Frasier's eventual case at trial. In his closing argument, Frasier parroted Walter's entire theory. And Mark Stanoch, who produced the *20/20* segment, worried that the coverage tainted the jury pool. "When you show up in a town of a couple thousand people with cameras, that dynamic can overwhelm the evidence," he says.

In July 2011, a jury found McGuffin not guilty of murder but—by a vote of 10-2—guilty of first-degree manslaughter. He was sent to Snake River Correctional Institution, in eastern Oregon, a notorious facility for violent inmates. He cooked in a prison kitchen and worked on a firefighting crew, cutting fire breaks in 16-hour shifts for \$6 a day.

In 2014, Janis Puracal, an Oregon attorney who was starting a branch of the Innocence Project, learned about McGuffin and agreed to represent him. She looked at the time window in which he was said to have murdered Leah and disposed of her body. "It just didn't make sense," she says. Walter's role, she surmised, had been to invent for police and prosecutors a compelling narrative to make up for a lack of evidence. "They don't have a story for Nick," she says. "Walter comes in with 'the story.'"

Puracal hired a DNA expert to reexamine the state crime lab's report. The expert discovered that analysts had found male DNA on Leah's sneaker that did not belong to McGuffin. The information had never been shared with the defense. "I was over the moon," Puracal said. "And then I was pissed." She found more exculpatory evidence: an eyewitness withdrawing cash from a bank who bolstered McGuffin's alibi but whose account (along with a time-stamped ATM receipt) the state had failed to disclose. In November 2019, a circuit-court judge vacated his conviction and ordered a new trial. Frasier moved to dismiss the charges instead. A few hours later, McGuffin walked into the prison kitchen and told his supervisor that he wouldn't make his next shift.

ABC aired a follow-up *20/20* episode celebrating McGuffin's release and examining all the missteps in the case—except its own. When I called Avila, who is now retired, he defended the origi- (Continued on page 84)



CONTINUED FROM PAGE 39

nal report's accuracy but said he deplored the true-crime genre as "one of the lowest forms of journalism."

"My friend, 35 years in network television has destroyed my idealism," he added. "We should all be working for ProPublica. But we're not. Does that make us bad people? I couldn't get a job at *Frontline*. I tried! I couldn't get a job at *60 Minutes*." Avila said the background sheet his producers prepared had no red flags about Walter. Perhaps no one thought to look him up on Wikipedia as they prepared to air the episode that fall. If they had, they would have seen several paragraphs under the heading "The Drake Case."

McGuffin is now suing Walter, the Vidocq Society, and Oregon law enforcement, alleging that the state fabricated evidence, coerced witnesses, and withheld exculpatory information. This past June, Walter connected to a Zoom deposition from a Comfort Inn in Scranton, looking tired. He was recovering from cancer and surgery. One of McGuffin's attorneys, Andrew Lauersdorf, grilled the profiler about his claim that he worked on cases with Scotland Yard. Walter could not recall the name of any inspectors he'd worked with there and appeared not to know that Scotland Yard and the Metropolitan Police are, in fact, the same organization. When asked where Scotland Yard was located, the man who claimed to have visited the agency's offices up to 30 times said he didn't know and then offered "downtown London."

For much of the deposition, Walter spat venom at his oldest friends and allies. He resigned from the Vidocq Society in 2015, saying he no longer trusted certain members. He had quit the board of Parents of Murdered Children because, he said, someone there was embezzling money. (Bev Warnock, the current executive director, says, "I can tell you that is a false allegation.") Michael Capuzzo was "not the most brilliant chronicler I've ever met." Colleagues at the AAFS were "shallow, quite frankly." Eight hours of testimony revealed an increasingly isolated man.

A few months after the deposition, I met McGuffin in Puracal's conference room

in Portland. He was still powerfully built from a decade at the weight pile, but his short hair was flecked with gray. COVID brought another lockdown soon after his release; then his mother was diagnosed with cancer and his father died. McGuffin had gotten a job as a chef at a golf course, earning less than before his arrest. He'd received death threats against himself and his daughter. "My life," he said, "is like a puzzle with the wrong pieces."

For two hours, McGuffin was composed. Then I asked if I could read from Walter's deposition, in which the profiler struggled to recall McGuffin. He'd finally given up and said, "Whatever his name is."

McGuffin's cheeks flushed. "Wow," he said. "It's like I'm a nobody." His face contorted hideously. His body began to tremble, and he excused himself from the room.

McGuffin had imagined all the ways Walter plotted to ruin his life. He'd thought about it while hacking through the Oregon forest with 80 pounds of gear, while slicing onions in a prison kitchen, and while driving through the night after his shift at the golf course to see his teenage daughter. He'd entertained every permutation but the most devastating: that Walter didn't think about him at all.

THERE WAS ANOTHER man whom Walter could not recall during his deposition. "The—I forgot his name," Walter said. "But anyway, the bad guy."

Today, the bad guy, Robie Drake, 58, lives in a trailer park in Dutchess County with Marlene. A court tossed out Drake's second conviction because of "irrelevant and prejudicial" bite-mark evidence. In 2014, facing a third trial, Drake pleaded to reduced charges and was released. After my emails and calls went unanswered, I staked out Drake's home in the fall, and he finally appeared in an old pickup. "It's been hard," he said, when I asked about life after prison. His eyes were wide and wary. He promised to consider a formal interview, but never spoke to me again.

The Vidocq Society still meets regularly, its promise so alluring that even old marks are back for more. In October, prosecutors from Ocean County, New Jersey, traveled to Philadelphia to present a cold case. This is the same office that had deemed the Vidocq Society's investigation into Zoia Assur's death "preposterous."

Walter is still active. In October, he spoke at the North Carolina Homicide Investigators conference. As recently as 2019, he was available for work as a profiler. That year, Joey Laughlin, the sheriff of Fayette County, Indiana, was reinvestigating the 1986 disappearance of Denise Pflum and hired Walter for \$3,000. "If

I were the perp," Walter told a newspaper after arriving in the state, "I wouldn't buy any green bananas."

Laughlin had two main suspects, and he played interrogation tapes for Walter. Shortly after the second one began, Laughlin's chief deputy nudged him: Walter was dozing off. When he woke up, he was sure the suspect from the first tape was the murderer.

Pflum's parents were thrilled with Walter's involvement and didn't mind the napping episode. "Old people tend to nod off," David Pflum says. He wasn't aware that Walter had recently called Laughlin with a new theory about Denise's killer.

"I've been thinking," Walter said. "I think it's the dad." He mentioned that to do any more profiling work, he'd need another fee. "I think we're good," Laughlin said.

Denise Pflum's disappearance remains the great mystery of the town. "Maybe I'm more cynical now," Laughlin told me. "There's not this great person who's waiting in the wings to come save the day."

In December, I drove to Walter's large, well-kept six-bedroom house in Montrose, Pennsylvania. An aging Mercury Grand Marquis sat in the garage, and on his front porch, an American flag was draped across a deck chair. There was no answer when I knocked. I dialed his landline. "I don't trust you, I don't like you, and I will never cooperate with you," he said from inside the house. "You're wasting your time."

I had wondered why Walter hadn't pursued the anonymity of a city, but Montrose has many appeals. Walter is beloved here. He's known for his homemade gingersnap cookies, and the bartender at the County Seat, a dive across from the courthouse, relishes hearing about his true-crime escapades. On a barstool in Montrose, he can fully inhabit the character he created without fear of fact check.

The next morning, as a blizzard descended, I made another attempt at his house, ringing the bell and banging on the door. At that very moment, a few hundred miles away in Philadelphia, Walter's attorneys were filing a new motion in the McGuffin suit. They wanted to quash Janis Puracal's request for internal documents from the American Academy of Forensic Sciences. As a support, they cited memos written by Paul Frasier, the prosecutor in the Leah Freeman case, saying he had not relied on Walter's theories after learning about the Drake case and realizing he couldn't be trusted.

It was a stunning turn. Richard Walter's best legal defense required finally acknowledging the obvious: that anyone with an internet connection should know he is a fraud. ■

Exhibit 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as
an individual and as guardian
ad litem, on behalf of S.M., a
minor,

Plaintiffs,

v.

No. 6:20-cv-01163-MK

MARK DANNELS, PAT DOWNING,
SUSAN HORMANN, MARY KRINGS,
KRIS KARCHER, SHELLY MCINNES,
RAYMOND MCNEELY, KIP OSWALD,
MICHAEL REAVES, JOHN RIDDLE,
SEAN SANBORN, ERIC
SCHWENNINGER, RICHARD WALTER,
CHRIS WEBLEY, ANTHONY WETMORE,
KATHY WILCOX, CRAIG ZANNI,
DAVID ZAVALA, JOEL D. SHAPIRO
AS ADMINISTRATOR OF THE ESTATE
OF DAVID E. HALL, VIDOCQ
SOCIETY, CITY OF COQUILLE,
CITY OF COOS BAY, and COOS
COUNTY,

Defendants

REMOTE DEPOSITION OF RICHARD WALTER

Taken on behalf of the Plaintiffs

June 30, 2022

1 BE IT REMEMBERED THAT, pursuant to the
2 Oregon Rules of Civil Procedure, the deposition of
3 RICHARD WALTER was taken by Aaron M. Thomas,
4 Certified Shorthand Reporter and Registered
5 Professional Reporter for Oregon, on June 30, 2022,
6 commencing at the hour of 8:03 a.m., via Zoom.

7
8 APPEARANCES:

9
10 MALONEY LAUERSDORF REINER PC
Counsel for Plaintiffs
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13 By MR. ANDREW C. LAUERSDORF
MS. JANIS C. PURACAL

14
15 LAW OFFICE OF ROBERT E. FRANZ, JR.
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16 Coos Bay, Coos County, Craig Zanni, Chris Webley,
Eric Schwenninger, Sean Sanborn, Ray McNeely,
17 Kris Karcher, Pat Downing, Mark Dannels, Kip Oswald,
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25 /////

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BY: KARIN L. SCHAFFER

ALSO PRESENT: Mr. Nicholas J. McGuffin

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7 1 "About the Vidocq Society" 173

8 website printout

9 2 Article titled "Cold Case 238

10 Squad: Modern-Day 'Sherlock

11 Holmes' Team Takes on Oregon

12 Slaying," dated August 11,

13 2010

14 3 Article titled "Murder on the 244

15 Menu" dated November 19, 2012

16 4 PowerPoint presentation: 250

17 [REDACTED]

18 [REDACTED]

19 5 Statement Analysis, Leah 260

20 Freeman, An Analysis by Mark

21 McClish, dated September 23,

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23 6 Synopsis of Vidocq Society 270

24 Cases, 207. The Murder of

25 Leah Freeman, 2000

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REQUEST BY COUNSEL

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REQUEST FOR PRODUCTION

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REQUEST FOR PRODUCTION

169

1 RICHARD WALTER

2 having first been sworn by the Certified Shorthand Reporter,
3 testified under oath as follows:

4

5 EXAMINATION BY MR. LAUERSDORF:

6 Q. Okay. So I'll introduce myself first. My
7 name is Andy Lauersdorf appearing on behalf of the
8 plaintiff, Mr. McGuffin, and the initials that I
9 can't recall off the top of my head right now, but
10 appearing on behalf of plaintiff.

11 Ms. Schaffer, if you want to introduce
12 yourself.

13 MS. SCHAFFER: Yes, Karin Schaffer,
14 counsel for Defendant Vidocq Society and Richard
15 Walter.

16 MR. LAUERSDORF: Mr. Franz?

17 MR. FRANZ: Yeah, I'll just be listening
18 in. Robert Franz, attorney for the municipal
19 defendants and police officers.

20 MR. LAUERSDORF: Mr. Davis?

21 MR. DAVIS: Attorney for the state
22 defendants.

23 MR. LAUERSDORF: And then Ms. Rockett?

24 MS. ROCKETT: Yes, I'm with Vidocq Society
25 and Richard Walter as well and just listening in.

1 MR. LAUERSDORF: Ms. Puracal is another
2 attorney representing plaintiffs in this matter as
3 well.

4 Okay. Mr. Walter, my name is Andy
5 Lauersdorf. You and I have never met before,
6 correct?

7 A. Correct.

8 Q. You understand that I'm an attorney
9 representing the plaintiffs in this matter, which is
10 a lawsuit filed against Mr. McGuffin against a
11 number of defendants including yourself.

12 Is that correct?

13 A. Correct.

14 Q. Can you please state your full name as
15 given at birth.

16 A. Richard Duane Walter.

17 Q. D-U-A-N-E?

18 A. Correct.

19 Q. And no S on Walter, correct?

20 A. Correct.

21 Q. And what was your place and date of birth?

22 A. Toledo, Ohio, October 28, 1942.

23 Q. What were your parents' names?

24 A. Irvin and Viola.

25 Q. Irvin, I-R-V-I-N?

1 A. Correct.

2 Q. Irvin and Viola Walter?

3 A. Right.

4 Q. Have you ever used any other names or
5 aliases?

6 A. No.

7 Q. How about any nicknames?

8 A. No.

9 Q. What's your current address?

10 A. 425 Lake Avenue, Montrose, Pennsylvania
11 18801.

12 Q. Have you over the course of your lifetime
13 lived in any states other than Pennsylvania and
14 Ohio?

15 A. Michigan.

16 Q. Okay. Any others?

17 A. Washington State.

18 Q. How long did you live in Michigan, from
19 what year to what year?

20 A. I don't remember exactly. About -- in the
21 '60s sometime until 1972.

22 Q. Okay. How about Washington, when did you
23 live there?

24 A. When I was from a newborn -- basically a
25 newborn child until I was in my 20s.

1 Q. Okay. And when you left Michigan in the
2 1970s or 1970 or so, I can't read my notes there,
3 but where did you go from there?

4 A. I went to Pennsylvania.
5 You said Michigan, right?

6 Q. Yeah.

7 A. Right.

8 Q. Okay. Have you lived in any states other
9 than Michigan, Washington, Pennsylvania and Ohio?

10 A. A short time in California.

11 Q. Okay. From when to when?

12 A. From about 1978 -- no, it was before that.
13 I think from '72 to '76, something like that. I
14 don't have the exact dates in front of me.

15 Q. Okay. During the '70s, though?

16 A. Right.

17 Q. And for a period of approximately four
18 years, you think?

19 A. Probably.

20 Q. Okay. Have you lived in any states other
21 than Michigan, Washington, Pennsylvania, Ohio, or
22 California?

23 A. No.

24 Q. Okay. You're here today to be deposed.
25 Do you understand that?

1 A. Yes.

2 Q. And this is the time and place previously
3 agreed upon. It's Thursday, June 30th, 2022, and
4 it's approximately 8:10 a.m.

5 Do you agree with that?

6 A. Eastern standard time, yes.

7 Q. Actually it's about 8:10 a.m. Pacific
8 daylight time.

9 A. Exactly. Okay.

10 Q. Where you're at, it's about 11:10 a.m.
11 eastern time, correct?

12 A. Correct.

13 Q. This deposition is being conducted and
14 recorded used the cloud-based, peer-to-peer based
15 platform Zoom over a URL provided by Aaron Thomas
16 Court Reporting.

17 Do you understand that?

18 A. I understand it.

19 Q. Are you okay with that?

20 A. Yes.

21 Q. Will you please state your current
22 location for the record.

23 A. It's Scranton, Pennsylvania.

24 Q. What's the address you're at?

25 A. Where are we at?

1 MS. SCHAFFER: We're at the Comfort Inn in
2 Scranton, Pennsylvania.

3 Q. Okay. Are there any people in the room
4 with you other than Ms. Schaffer?

5 A. No.

6 Q. And I understand that you're represented
7 by Ms. Schaffer as your attorney and she's present
8 with you in the room.

9 Is that correct?

10 A. Correct.

11 Q. Have you ever attended any other
12 depositions in this case?

13 A. No.

14 Q. Have you reviewed the transcripts, any
15 transcripts of any of the other depositions?

16 A. No.

17 Q. Okay. I'd like you to understand that
18 you're free to take a break to consult with
19 Ms. Schaffer at any time.

20 Do you know that?

21 A. Yes.

22 Q. And you're also free to take a break for
23 any other reason.

24 A. Right.

25 Q. Stretch your legs, use the bathroom, a

1 cigarette break, get fresh air, whatever, just let
2 me know, okay?

3 A. Right. Will do.

4 Q. The only thing that I ask is if there's a
5 question pending, that you answer the question
6 before you take a break, okay?

7 A. Of course, yes.

8 Q. The court reporter is recording your
9 answers under oath that was administered to you a
10 few moments ago.

11 Do you understand that?

12 A. Yes.

13 Q. And do you understand what it means to be
14 under oath?

15 A. Yes.

16 Q. Do you understand that that means you're
17 expected to give the same careful and considered
18 answers that you would give in a court of law?

19 A. Yes.

20 Q. And you understand that that means that
21 the same completeness is required in your answers
22 that would be required in a court of law?

23 A. Yes.

24 Q. Have you ever testified in a deposition
25 before?

1 A. Yes.

2 Q. How many times?

3 A. I'm unsure.

4 Q. More than ten?

5 A. No.

6 Q. More than five?

7 A. I would be surprised. I think no.

8 Q. Okay. When is the last time you testified
9 in a deposition?

10 A. If I recall correctly, it was in
11 California in the 2000 -- the early 2000 period.

12 Q. Do you recall where in California?

13 A. Los Angeles or -- yeah, I believe it was
14 in Los Angeles.

15 Q. Do you recall the name of the case you
16 were deposed in?

17 A. No. It's been a long time. Laura Kail
18 was the attorney.

19 Q. Kale, K-A-L-E?

20 A. No, K-A-I-L.

21 Q. K-A-I-L.

22 And was she the attorney deposing you or
23 the attorney defending you?

24 A. Defending.

25 Q. What was your role in that case?

1 A. As an expert on a -- against a plastic
2 surgeon who claimed that he -- the patient claimed
3 that he had misdirected and injured her.

4 Q. Okay. So you were testifying on behalf of
5 the patient who was claiming injury?

6 A. Right.

7 Q. What specifically were you engaged as an
8 expert to testify about?

9 A. I can't recall the details at this point.

10 Q. Did that case go to trial?

11 A. No.

12 Q. Okay. When would be the next most recent
13 time you appeared in a deposition prior to that
14 case?

15 A. I don't remember.

16 Q. Do you recall any other states in which
17 you've sat for a deposition?

18 A. Not at the moment.

19 Q. Do you recall any other cases in general
20 in which you sat for a deposition?

21 A. I probably could if I thought about it,
22 but I wasn't expecting that question, so I can't
23 respond.

24 Q. Okay. Would you have any records of any
25 of those depositions?

1 A. No.

2 Q. Okay. So it sounds like maybe it's been a
3 while.

4 A. Correct.

5 Q. Maybe we should go over a few ground
6 rules.

7 The court reporter is creating a
8 transcript of everything that's being said during
9 your deposition.

10 Do you understand that?

11 A. Yes.

12 Q. And you are also going to be responsible
13 for the accuracy of that transcript and the accuracy
14 of the information contained within it.

15 Do you understand that?

16 A. Yes.

17 Q. That means it's important that we try to
18 work together and create a clear transcript so that
19 there's no confusion about what's said, what your
20 testimony is, or how it's reflected in the
21 transcript, so I want you to keep in mind that
22 you're required to answer all of the questions out
23 loud, okay?

24 A. Yes.

25 Q. So things like nodding or shaking your

1 head, grunts, uh-huhs, huh-uhs, things like that,
2 they don't show up clearly on the transcript, so I
3 need you to enunciate your answers, okay?

4 A. Yes.

5 Q. By that same token, you're responsible for
6 expressing any kind of confusion or
7 misunderstanding.

8 Do you understand what I mean by that?

9 A. No.

10 Q. Okay. So if I ask you a question, and I
11 might ask you a bad question and it's confusing, I
12 need you to say so so that it shows up in the record
13 that you were confused by the question before you
14 answer. That gives me a chance to restate the
15 question and it gives us both the opportunity to
16 clear up any confusion so that you don't provide an
17 answer that's anything other than a truthful answer.

18 Make sense?

19 A. Yes, makes sense.

20 Q. If you're confused, say so. If you think
21 I'm confused, say so. If you don't understand a
22 question I'm asking, say so out loud so that it
23 makes its way into the record, okay?

24 A. Yes.

25 Q. One important thing, we have to be careful

1 not to speak over each other. What frequently
2 happens is you might have an idea of where I'm going
3 with the question or where you think I'm going with
4 the question and you may be inclined to jump in with
5 an answer before I actually finish the question, and
6 we have to be careful to avoid doing that, okay?

7 A. Right.

8 Q. There might be other times where I think I
9 know where you're going with an answer, so I'm
10 inclined to jump in on the next question before
11 you're done with your answer, and I have to be
12 careful of that, okay?

13 A. Yes.

14 Q. So a good rule of thumb, if I hear you
15 talk, I'm going to stop talking. If you hear me
16 start to talk, you might want to stop talking, make
17 sense?

18 A. Yes, makes sense.

19 Q. One of the things we have to be careful
20 about there, although you may think I'm going with a
21 question, there's a good chance you may be wrong, so
22 if you start to answer before I ask the question,
23 you may be answering a question that I'm not asking
24 or you may give an answer that's not truthful to the
25 question I'm asking, make sense?

1 A. Makes sense.

2 Q. Okay. So we want to be careful there.

3 Your answers and the information that you
4 provide during this deposition will likely be used
5 at trial.

6 Do you understand that?

7 A. Yes.

8 Q. And if there's discrepancies or
9 inconsistencies between your testimony today and
10 your testimony at trial, those inconsistency may be
11 pointed out and used against you at trial.

12 Do you understand that?

13 A. Yes.

14 Q. Are you currently suffering from any
15 mental or physical illness?

16 A. No.

17 Q. Are you currently taking any prescription
18 medications that a medical professional has told you
19 might affect your memory or comprehension?

20 A. The answer is yes, however I got
21 physician's clearance for this deposition.

22 Q. Okay. What is the medication?

23 A. A number of them. I just had cancer
24 surgery.

25 Q. Okay. Have you personally noted any

1 affects of the medication, any confusion, delirium,
2 anything like that --

3 A. No.

4 Q. -- that we should be looking out for?

5 A. No. I feel quite healthy.

6 Q. Okay. Are you aware of any reason why you
7 might not be able to understand or answer the
8 questions that I ask of you today?

9 A. No.

10 Q. Did you review any documents to prepare
11 for your deposition?

12 A. No.

13 Q. Did you make any notes about this case
14 while preparing for your deposition?

15 A. No.

16 Q. Did you speak to anyone other than your
17 attorneys to prepare for your deposition?

18 A. No.

19 Q. Have you ever spoken to a person named
20 Jesse Davis about this lawsuit or your role in the
21 McGuffin investigation?

22 A. I don't know who that is, no.

23 Q. Okay. Have you ever spoken to anyone from
24 the Oregon Department of Justice about this lawsuit
25 or your role in the Freeman investigation?

1 A. No.

2 Q. How about Robert Franz, do you know who
3 that is?

4 A. No.

5 Q. Do you know who Sarah Henderson is?

6 A. No.

7 Q. When's the last time that you spoke to
8 anyone other than your attorneys about the Freeman
9 investigation?

10 A. I don't recall exactly. I may have talked
11 to Fred Bornhofen. I don't recall have a recall of
12 that, but I think there's reasonable cause to
13 believe that I may have. It was a long time ago.

14 Q. Okay. And who is Fred Bornhofen?

15 A. He was the coordinator for Vidocq Society
16 for case studies.

17 Q. Do you know if you spoke to him any time
18 in the past five years?

19 A. No, he's been dead.

20 Q. Oh, when did he pass?

21 A. I think three or four, maybe close to five
22 years ago.

23 Q. Okay. Somewhere between 2016 and 2019?

24 A. I believe so.

25 Q. Do you recall what you spoke to him about?

1 A. Pardon?

2 Q. Do you recall what you would have spoken
3 to him about?

4 A. Just the fact that the case was over.

5 Q. Okay. Have you spoken to anyone other
6 than your attorneys about this lawsuit?

7 A. No.

8 Q. Do you know who Paul Frasier is?

9 A. Yes.

10 Q. When was the last time you spoke to
11 Mr. Frasier?

12 A. When I was out in Oregon.

13 Q. And when was -- what year was that?

14 A. That was when I went out for the
15 consultation with them on the case.

16 Q. Okay.

17 A. That was -- I don't remember exactly the
18 dates when I was out there.

19 Q. Okay. Do you recall what year?

20 A. No.

21 Q. Do you recall what time of year, what
22 season?

23 A. I think it was cold. I remember that.

24 Q. Okay.

25 A. And I think it may have been around 2010;

1 something in there.

2 Q. Okay. So you haven't spoken with
3 Mr. Frasier any time in the past five years.

4 Is that fair?

5 A. No. Fair.

6 Q. Yes, that is fair, and no, you have not.
7 Is that correct?

8 A. Correct.

9 Q. Do you know who Mark Dannels is?

10 A. Yes.

11 Q. When was the last time that you spoke to
12 Mr. Dannels?

13 A. When I left Oregon after that, after my
14 meeting there.

15 Q. So the same -- the same visit?

16 A. Correct.

17 Q. You haven't spoken to Mr. Dannels at any
18 time in the past five years either?

19 A. No.

20 Q. Have you ever met or spoken to defendant
21 Pat Downing?

22 A. No. I don't know who that is.

23 Q. Okay. Do you know who Susan Hormann is?

24 A. No.

25 Q. Do you know who Mary Krings is?

1 A. No.

2 Q. Do you know who Kris Karcher is?

3 A. No.

4 Q. Do you know who Raymond McNeely is?

5 A. No.

6 Q. Do you know who John Riddle is?

7 A. No.

8 Q. Do you know who Eric Schwenninger is?

9 A. No.

10 Q. Do you know who Chris Webley is?

11 A. No.

12 Q. Do you know who Kathy Wilcox is?

13 A. No.

14 Q. How about Craig Zanni, do you know who
15 Craig Zanni is?

16 A. No.

17 Q. There's just one more name here.

18 How about Lisa McOwen, do you know who
19 that is?

20 A. No.

21 Q. Have you ever met with or spoken to any
22 member of the Freeman family?

23 A. No.

24 Q. Have you ever met with or spoken with the
25 McGuffin family?

1 A. No.

2 Q. Have you ever spoken to anyone who's not
3 an attorney about your deposition in this lawsuit?

4 A. No.

5 Q. Have you ever spoken to any member of the
6 press about this lawsuit?

7 A. No.

8 Q. Have you ever spoken to any member of the
9 press about the Leah Freeman investigation or the
10 prosecution of Mr. McGuffin?

11 A. Would you ask the question again, please.

12 Q. Yeah, let me break it down into two parts.
13 Have you ever spoken to any member of the
14 press about the Leah Freeman investigation?

15 A. Only when they were out there at the time
16 that I was there and they filmed.

17 Q. All right.

18 A. Then about three months before I received
19 paperwork from -- in this lawsuit, they called me at
20 my home and asked me if I would be willing to
21 participate in the program they wanted to do, and I
22 said "What about?" and they said "About Leah
23 Freeman," and I said "And what's the issue?" and
24 they said "Well, he's been let go and overturned,"
25 and I said "Why?" and they said "Because a judge

1 found that the DNA found on the shoe that was some
2 distance away or whatever else didn't have the DNA
3 on it, and therefore he was released," and I don't
4 particularly like 20/20 to begin with and I wanted
5 to get some more facts behind what was going on,
6 which I didn't do, and then I received the paperwork
7 on this case, so I realized that -- and I never
8 heard back from 20/20, but that was the first I
9 learned of the shoe and the release.

10 Q. Okay. So I think you kind of answered my
11 next question in there, but let me ask it anyway,
12 when you say they contacted you or you spoke with
13 them, who are they?

14 A. A person from 20/20.

15 Q. Okay. ABC's 20/20 news program?

16 A. Right. Right.

17 Q. Okay. And so then I'm assuming you
18 ultimately declined to participate any further?

19 A. They never called me back and I
20 probably -- not probably, I would not have
21 participated anyway.

22 Q. Okay. Is that just because you don't care
23 for 20/20 or were there other reasons why you would
24 have declined?

25 A. Well, I don't think I would bring anything

1 to the table that wasn't already known. I thought
2 it was a waste of my time and a waste of everyone
3 else's time for me to opine or to not -- as we get
4 further on down the road, hopefully you'll see that
5 my role was limited.

6 Q. If there was the DNA of an unidentified
7 male found on Ms. Freeman's shoes, wouldn't that
8 be -- wouldn't that be a reason for a new profile or
9 to resume the profiling of a potential unknown
10 suspect?

11 MS. SCHAFFER: This is Karin Schaffer.
12 I'm going to object as vague; incomplete
13 hypothetical; lacks foundation.

14 MR. DAVIS: I'll join that objection.

15 MS. SCHAFFER: You can answer if you
16 understand the question.

17 A. Would you repeat it one more time.

18 Q. Let me take it a different way, because
19 you know this better than I do, but my understanding
20 of profiling in general, the concept of
21 psychological profiling is to -- or one of the
22 purposes at least is to use the evidence from the
23 scene and different queues to try to put together a
24 psychological profile for an unknown suspect in
25 cases where you don't know who the suspect is and

1 you're trying to put together who this might be and
2 what their psychological makeup might look at.

3 Am I close?

4 A. Well, you're partially right, and mostly
5 wrong.

6 Q. Okay.

7 A. Profiling is an old first level of trying
8 to analyze human behavior in terms of crime, et
9 cetera, and yes, the crime scene can and should play
10 a significant role, however with profiling, the
11 basis of that is psychological in nature, it's not
12 criminological. We're looking for the type of
13 person that does this and then they're projecting
14 and guessing predicated on what they think they know
15 and then trying to find that individual, okay?

16 It's highly speculative. It sometimes is
17 not -- and I agree, should not be accepted by the
18 courts, because it's too unreliable.

19 That said, then, as opposed to crime
20 assessment, which uses not psychology, but uses
21 crime as the basis for that, therefore, then, one
22 looks at what's in the crime scene, what's absent
23 from the crime scene, what are some key figures that
24 are relevant at that time, and therefore, then,
25 you're working off of a real base rather than an

1 unreliable base of profiling.

2 Therefore, then, the investigator, if he
3 understands his crime scene again of what's there as
4 well as what's not there, your detective, then, is
5 going to have a much clearer picture of the type of
6 person that they're interested in. In terms of
7 their searching out persons of interest, they may
8 find four or five different people that may fit the
9 basic criteria.

10 But again, going back to the crime scene,
11 and there are subtypes of archetypes, as you please,
12 of offenders, how they behave, what they do and what
13 they don't do, and there's some unique
14 characteristics. That said, it then -- and jumping
15 ahead, but it then leads, then, to let's say they
16 find five persons of there and you go through those
17 and you look in terms of pre-crime behavior, what
18 was the linkage between that suspect and the victim,
19 and you go through all of those. Then if you don't
20 have the right person there, then you know that you
21 need to keep searching.

22 If you find somebody with 10, 15, 20
23 interchanges and they have a history and they meet
24 the criteria from the crime scene, then that becomes
25 important and it gives you reasonable cause to move

1 forward from the investigation.

2 Following that, contrary to popular
3 opinion, the murder is not over when the victim
4 dies, it's over when the perp stops deriving
5 satisfaction from the killing. Therefore, then, you
6 have to look at post-crime behavior and what happens
7 afterwards, how do -- how do the five suspects line
8 up.

9 With that, then --

10 Q. Let me stop you there and back you up for
11 a second.

12 A. Sure.

13 Q. So would it be fair to say that you -- it
14 sounds like you draw a distinction between profiling
15 and crime assessment and that you're not a fan of
16 the concept of profiling and that you would consider
17 yourself more of a person in the field of crime
18 assessment.

19 Is that fair, or do you consider yourself
20 a profiler?

21 A. I consider myself in crime assessment. I
22 think that there is a time and a place for
23 profiling, but maybe not in terms of trying to solve
24 the crime, but maybe understanding the offender.

25 Q. Okay.

1 A. And so it's possible that you can do a
2 crime assessment and at the same time you might find
3 it worthy then to have a profile of that individual
4 and his thinking about what happened, okay?

5 Q. Okay. So is one of the goals of either
6 profiling or crime assessment, is one of the goals
7 to develop a pool of suspects in the situations
8 where you don't have them?

9 A. Exactly, and this will help shape -- help
10 the investigator shape for that, okay?

11 Q. Okay. So in a situation where you have
12 DNA -- I'll give you a hypothetical here -- in a
13 situation where you have a DNA sample on a piece of
14 clothing of a murder victim or a homicide victim and
15 that sample was taken and sent to the lab and it
16 came back as couldn't be matched, right?

17 A. Right.

18 Q. It's an unknown perpetrator. That would
19 be the kind of situation where you might use crime
20 assessment to develop a pool of suspects to go out
21 and look for a match to that DNA.

22 Is that fair?

23 A. That's true, or depending on -- let's say
24 you have a primary suspect, okay? And they meet all
25 the other criteria. If, then, that DNA sample on

1 the item doesn't match, okay? Then I would advise,
2 and I think it's smart and a lot of people do it, is
3 then you would start looking for staging events,
4 okay? Where then the bloody item may be falsely
5 placed to dissuade any identification.

6 I see a lot -- in my professional world, I
7 see a lot of staging taking place, and so I think it
8 would be reasonable, then, under those circumstances
9 that the investigators then would pursue that and
10 examine, then, the issues related to the blood on
11 the clothing.

12 I've seen -- that's very important to do.
13 I not only want to help find the right person, but I
14 want it to be the right person, I don't want it to
15 be the wrong person, and contrary to popular
16 opinion, I've saved a lot of people from being
17 arrested, because they weren't the right person.
18 They may have been a bad person, but they didn't do
19 the murder, okay?

20 Now --

21 Q. Hold on. Let me slow you down there.

22 Getting back to the original question, in
23 any event, you decided that you didn't want to
24 participate anymore with ABC 20/20 or give any
25 interviews.

1 A. Right.

2 Q. Is that correct?

3 A. Right.

4 Q. Okay. So other than ABC 20/20, during the
5 original interview that you did with them and then
6 the three months before you were served with the
7 lawsuit, have you spoken to any other member of the
8 press about the Leah Freeman investigation?

9 A. No.

10 Q. Have you spoken to any member of the press
11 about the McGuffin prosecution?

12 A. No. My understanding -- my understanding
13 is that not I, but Mike Capuzzo who wrote the book
14 called The Murder Room which is about the Vidocq
15 Society, we gave a lecture in San Francisco with
16 Bill Fleisher and myself and Mike and we were asked
17 to talk, so Mike -- I was -- I was unaware or had
18 forgotten that apparently Mike mentioned something
19 in that large room about the Leah Freeman case.

20 I don't remember what he said. There is a
21 tape out there, I know, but -- I participated in it
22 and my life is busy and I moved on.

23 Q. Do you know the name of that lecture or
24 what that event was? Was it RSA or RNA?

25 A. Yes, RS -- it was the huge organization.

1 There were like 1,200 people there.

2 Q. Okay. And that was in San Francisco?

3 A. Yep.

4 Q. Do you recall what year that was?

5 A. A few years back.

6 Q. Was that during the Capuzzo book tour when
7 he was kind of out making the rounds and promoting
8 his book?

9 A. Right. It was about the book, so then we
10 talked about Vidocq, what Vidocq did, how we were
11 organized, that sort of thing, so in terms of
12 discussion, the only discussion that I know of was
13 by not myself, but by Mike Capuzzo there, and I
14 don't know how extensive it was.

15 Q. Okay.

16 A. And he's certainly not an expert.

17 Q. Okay. Other than particular presentation,
18 have you ever given a presentation or a training in
19 which the Leah Freeman investigation was discussed?

20 A. No.

21 Q. Have you ever attended a presentation or a
22 training in which the Leah Freeman investigation was
23 discussed --

24 A. No.

25 Q. -- other than what you just mentioned?

1 A. No.

2 Q. Okay. Let's -- how are you doing? Do you
3 need a break for water or anything yet?

4 A. I'm good.

5 Q. Okay. I want to explore your background a
6 little bit and it's pretty extensive. You've been
7 on the planet for a while.

8 A. Yeah.

9 Q. Okay. Did you graduate from high school?

10 A. Yes.

11 Q. Where at?

12 A. Upper Columbia Academy in Spangle,
13 Washington.

14 Q. And what year did you graduate?

15 A. '61.

16 Q. Did you go on to college?

17 A. I did. I went to Michigan State
18 University.

19 Q. And when did you enroll at Michigan State?

20 A. There was a long period in between. It
21 was in the late '60s, I think.

22 Q. Okay. When you say there was a long
23 period in between, what did you do during the period
24 in between?

25 A. I worked for the Michigan State University

1 in their laboratory system in pharmacology and
2 anatomy.

3 Q. Okay. So after graduating from high
4 school, you moved from Washington to Michigan?

5 A. Right.

6 Q. And began working rather than attending
7 school?

8 A. Right.

9 Q. You worked out of East Lansing?

10 A. Yes.

11 Q. And you worked for Michigan State
12 University?

13 A. Yes.

14 Q. What department?

15 A. In pharmacology and anatomy.

16 Q. So is that -- would that have been in the
17 medical college? Would that have been in the
18 letters and science program? What would that have
19 been in?

20 A. Pharmacology was in the -- that was before
21 the medical school was there, so they had a
22 veterinary school, so it was attached to the
23 veterinary school. The anatomy also was there.

24 Q. Was that also attached to the veterinary
25 school?

1 A. I believe so, yep.

2 Q. And what did you do for the school of
3 pharmacy or the pharmacy program?

4 A. It was a lab program. I helped them
5 prepare for the students and for the professor,
6 helped prepare samples and whatever else, do the
7 grunt work, and a fair amount of regular laboratory
8 work.

9 Q. When you say regular laboratory work, what
10 do you mean by that?

11 A. Pipe eds and samples taken and prepare
12 them to be examined by the -- by the graduate
13 students.

14 Q. Who was your direct supervisor?

15 A. Dr. Perry Gehring.

16 Q. Can you spell that for me?

17 A. G-E-H-R-I-N-G. He's probably dead by now.
18 He was older than I am.

19 Q. Anybody else that you worked with there in
20 your time there, any colleagues or anything?

21 A. I'm trying to think of his name. I'll
22 think of it in a minute. In fact, I left there and
23 I went back to school.

24 Q. So how long did you work in the lab there?

25 A. Oh, probably -- I'm guessing maybe eight

1 years.

2 Q. And then you quit and went back to school
3 at Michigan State?

4 A. Right.

5 Q. And was that -- so was that job, that
6 wouldn't have been a student position, was that a
7 civil service position?

8 A. Well, it was -- yeah, civil -- I mean, we
9 were just hired by the university to work in the
10 labs.

11 Q. Okay. Michigan State --

12 A. At Michigan State, right.

13 Q. Is Michigan State a land grant school?

14 A. Yes.

15 Q. Run by the government?

16 A. I don't know whether it's run by the
17 government, but yeah, by the state, yes.

18 Q. Border regions and funded by the state?

19 A. Of course, yes.

20 Q. Okay. So you would have been on the --
21 you would have been essentially on the state
22 payroll.

23 A. (Witness nods head.)

24 Q. Did you have like a state retirement
25 program that you --

1 A. Yes. Yes.

2 Q. Okay. Was that immediately after
3 graduating high school?

4 A. No.

5 Q. How long after you graduated high school
6 before you started working in the pharmacology lab
7 at Michigan State?

8 A. I'm trying to remember. I don't -- I
9 would think it's maybe three to five years in
10 between.

11 Q. Okay. And what did you do for those three
12 to five years?

13 A. I can't remember.

14 Q. You said you were trying to think of
15 another -- when I asked you about college and
16 supervisors, you mention Dr. Gehring, and then you
17 said you had another person on the tip of your
18 tongue.

19 Do you remember who that is?

20 A. I haven't yet. I will before we finish.

21 Q. Okay. That three to five years between
22 graduation and going to work at Michigan State,
23 could there have been any military service in there?

24 A. No.

25 Q. Have you ever served in the military?

1 A. No.

2 Q. Okay. And you started -- you enrolled in
3 Michigan State in about 1969, you said?

4 A. I think so.

5 Q. So that would have been made you, what, 27
6 at the time?

7 A. Probably.

8 Q. 1942, so that would have been made you 27
9 at the time.

10 So when you enrolled in Michigan State,
11 what was your course of study?

12 A. Educational psychology.

13 Q. Was that part of the school of letters and
14 sciences or was that part of the school of
15 education?

16 A. Education. It's an MA, not an MS.

17 Q. Okay. And an MA would be a master's?

18 A. Right.

19 Q. But when you enrolled -- when you
20 initially rolled in Michigan State, you enrolled as
21 an undergraduate, I assume, right?

22 A. Right. Right.

23 Q. Okay. And so did you enroll in the school
24 of education?

25 A. Yes.

1 Q. Okay. And did you obtain a degree?

2 A. Yes.

3 Q. What was your degree?

4 A. A BA.

5 Q. And was that a BA in educational
6 psychology?

7 A. Right, and followed by an MA in the same.

8 Q. Okay. And so educational psychology,
9 would that be considered the major?

10 A. Yes.

11 Q. Okay. Did you take a minor or any other
12 majors?

13 A. No.

14 Q. And when did you obtain your bachelor's
15 degree?

16 A. I'm not sure. I think it was right around
17 '72. I went through quick.

18 Q. Okay. Did you graduate with any honors?

19 A. I graduated through the honors college,
20 yes.

21 Q. What was the name of the honors college
22 program?

23 A. It was just called the honors college.

24 Q. And so when you say you graduated through
25 the honors college program, was there any kind of

1 designation, magna, summa, anything like that?

2 A. What were the last words?

3 Q. Was there any kind of designation given
4 like magna cum laude or summa cum laude, anything
5 like that?

6 A. No. I was one of the eccentric students
7 in that I doubled the normal course load and then
8 there were professors who complained to the honors
9 college that I shouldn't be able to take so many
10 courses and the honors college then said as long as
11 I kept my grades and as long as I performed, I could
12 do as I wished, and I would consider that an honor
13 from the honors college, not in the traditional
14 summa cum laude.

15 Q. Okay. So there wouldn't be an honors
16 designation on your transcript?

17 A. I don't -- I don't -- no, I don't know.

18 Q. You're just --

19 A. I haven't looked at it.

20 Q. You're just taking what the honors college
21 said about your course load --

22 A. Right.

23 Q. -- as a form of honor --

24 A. Right. Yeah.

25 Q. Were you employed by the school while you

1 attended school there?

2 A. No, I -- I was not.

3 Q. Were you a member of any clubs?

4 A. I was a member of some educational honor
5 society. I can't remember what it was. I didn't
6 pay much attention to it.

7 Q. Okay. Do you recall the name of it? Was
8 it a Greek organization?

9 A. Yeah. Phi Delta Chi or something like
10 that.

11 Q. Are you still a member?

12 A. Oh, I haven't even thought of it until you
13 asked.

14 Q. Did you participate in any collegiate
15 sports?

16 A. No. I don't like fresh air or exercise.

17 Q. How about -- would the Phi Delta Chi be a
18 society or a club?

19 A. It was a society. It was a recognized
20 organization by the university.

21 Q. Okay. And then so you said you went on to
22 obtain a postgraduate degree?

23 A. An MA at Michigan State also.

24 Q. And was that also in the school of
25 education?

1 A. Yep.

2 Q. And what was the master's degree in?

3 A. Educational psychology.

4 Q. What's the -- what is the educational
5 psychology discipline as opposed to just regular
6 psychology or some other form of psychology?

7 A. Well, it's aimed toward educating and
8 teaching and servicing. However, it also can be
9 used through the right courses and everything else,
10 then, for working for the state or in prisons or in
11 certified hospitals where you had supervision, et
12 cetera.

13 I was running out of money and I needed
14 work, so finishing my master's, then I went out to
15 Los Angeles, and having worked in labs before, I got
16 a job while going to the community -- not -- to one
17 of the Los Angeles schools, I'm trying to think of
18 the name of it -- but anyway, what was the question?
19 I forgot.

20 Q. The question was what is the difference
21 between disciplines in educational psychology as
22 opposed to behavioral psychology or --

23 A. Sure. So then I found a job with the
24 Michigan Department of Corrections and --

25 Q. Hold on. Let me back you up. I think

1 we're getting a little off track.

2 A. Okay.

3 Q. Is there a -- I know you were saying --
4 when I asked the question, you said well,
5 educational psychology, depending on the courses you
6 take, is geared towards education and teaching or
7 perhaps working for the state or perhaps working in
8 prisons or hospitals under the supervision of a
9 doctor.

10 A. Right.

11 Q. And so how does that distinguish from
12 other disciplines within the psychology umbrella?

13 A. Well, when you enter the regular
14 psychology program, they expect you to go for the
15 Ph.D., okay? And I wanted to take it one step at a
16 time. I wanted to get my master's and I wasn't sure
17 if I wanted to go past the master's at that point.
18 Money is important and payment is important.

19 Q. Right.

20 A. And so I finished with that, and I'm not
21 sorry that I did. I've been successful with that.

22 Q. Right, but getting back to the question,
23 is there a distinction between educational
24 psychology and other subdisciplines within the field
25 of psychology?

1 A. Yes. Other fields of psychology,
2 organizational psychology have all kinds of
3 variations and I wasn't interested in those things.

4 Q. So you obtained a master's in
5 educational -- a Master's of Arts in Educational
6 Psychology from Michigan State.

7 When was the master's conferred?

8 A. What I referred to earlier referring to
9 degrees, I think the master's was in '72. I could
10 be wrong, but I don't have my resume in front of me,
11 and then the -- the undergraduate degree, I just
12 stayed right in course, so that would have been a
13 couple years earlier.

14 Q. Okay. So I had you -- based on your
15 earlier testimony, enrolling in Michigan State in
16 1969 and finishing your undergrad in 1972, which
17 would have been three years.

18 A. Right.

19 Q. So if the master's was in 1972, does that
20 mean you would have enrolled earlier than 1969?

21 A. I went through quickly. To be honest, I
22 just -- I don't have the facts in front of me. I
23 don't know.

24 Q. Okay. Do you think you completed your
25 undergraduate degree in two years or less?

1 A. Yeah.

2 Q. Yes?

3 A. Yes. Part of that, now that I think about
4 it, I also had an under -- I had a community college
5 degree before that.

6 Q. Okay. Where was that from?

7 A. Lansing Community College in Michigan.

8 Q. So would that have been an associate's
9 degree?

10 A. Right.

11 Q. And then would credits from that degree
12 have transferred into the undergraduate program at
13 Michigan State?

14 A. Right.

15 Q. Okay.

16 A. As for the dates, if necessary, I can
17 provide them for you. I just don't have the -- I
18 don't have them in my head.

19 Q. Okay. What did you study at Lansing
20 Community College?

21 A. The general undergraduate protocol for
22 the -- the arts program at that point, and then I
23 went closer to the sciences.

24 Q. So were you working at Michigan State
25 while you were attending Lansing Community College,

1 or was that --

2 A. Yeah. Well, I was working in the hospital
3 there as a lab -- not as a lab, but as an orderly,
4 and then eventually I moved on to Michigan State.

5 Q. Okay. Which hospital did you work at?

6 A. Sparrow Hospital.

7 Q. Is that S-P-A-R-R-O-W?

8 A. Yeah.

9 Q. Do you recall the time period in which you
10 worked at Sparrow Hospital?

11 A. Not really.

12 Q. But it was before enrolling in Michigan
13 State?

14 A. Right.

15 Q. And was it before or after attending
16 Lansing Community College?

17 A. Enrolling in Michigan State.

18 Q. Right.

19 A. Lansing Community college was before I
20 went to Michigan State.

21 Q. Right, and when you worked at Sparrow
22 Hospital, was that before or after you attended
23 Lansing Community College?

24 A. During, while I was at Lansing Community
25 College.

1 Q. Okay. And then when you worked in the lab
2 at Michigan State, was that before or after Sparrow
3 Hospital?

4 A. After.

5 Q. Okay. So you think the master's degree
6 would have been conferred in 1972?

7 A. I believe so, but I'm not going to stake
8 my reputation on it.

9 Q. Okay. Was there a subdiscipline in the
10 master's?

11 A. No.

12 Q. Did you have a thesis requirement?

13 A. No.

14 Q. So what were the requirements to complete
15 the Master's in Educational Psychology at MSU at
16 that time?

17 A. There was a specified course discipline
18 one had to take, and if I didn't want an MS in
19 science, then I didn't have to do the dissertation.

20 Q. Okay. So you didn't write a master's
21 thesis or dissertation?

22 A. Right.

23 Q. And then did you have any postgraduate
24 education beyond the master's degree?

25 A. Pardon?

1 Q. Did you have any -- did you enroll in any
2 postgraduate education beyond the master's degree?

3 A. Yeah, at the University of Southern
4 California -- oh, UCLA.

5 Q. Okay. And when did you enroll at UCLA?

6 A. As soon as I graduated with the master's.

7 Q. So 1972?

8 A. Right in that era, or '73.

9 Q. Okay. In what discipline?

10 A. Criminology.

11 Q. Was that a standalone discipline there or
12 was that a subdiscipline of psychology?

13 A. Standalone. Standalone.

14 Q. Who was your doctorate dissertation with?

15 A. I didn't finish there, but it was Dr. --
16 retired from the FBI. I'll think of it in a minute.
17 These are old names to me now.

18 Q. That's okay. Just do the best you can.

19 A. Okay.

20 Q. Did it come to you?

21 A. Not yet. It will.

22 Q. Okay. How about the names of any
23 colleagues that you attended with?

24 A. No, and I'm coming close to it, the name.
25 He's probably dead by now, because he was

1 considerably older than I at the time, but he lives
2 in Oregon coincidentally.

3 Q. In Portland?

4 A. No, one of the towns down below near the
5 water. I can't think of the name. After a smoke
6 break, I'll think of it.

7 Q. Are you ready for a smoke break?

8 A. I think so.

9 MR. LAUERSDORF: Okay. Lets take a break.

10 (Pause in deposition: 9:04 - 9:12 a.m.)

11

12 BY MR. LAUERSDORF: (Continuing)

13 Q. Okay. Did you think of the name of your
14 doctor adviser at UCLA?

15 A. Yes. It was Dr. Robert -- Dr. Robert
16 Morneau, M-O-R-N-E-A-U.

17 Q. And you think he lives in Oregon now?

18 A. Well, if he's still alive, he lives there.

19 Q. Okay. And then were you able to think of
20 the name of the supervisor other than Dr. Gehring?

21 A. I remember his first name was Jim,
22 Dr. James -- and it starts with a G and I don't
23 remember the rest of it.

24 Q. Do you remember the name of -- go ahead.

25 A. Hopefully I will.

1 Q. Okay. Do you remember the names of any of
2 your colleagues that you worked with there at the
3 school of pharmacology?

4 A. Not really. Not anymore. This was years
5 ago, of course.

6 Q. Right.

7 Okay. So you enrolled in the post --
8 doctorate program at UCLA in 1972 or 1973 in the
9 criminology discipline.

10 Was there any subdisciplines?

11 A. No, but I did not finish.

12 Q. Did you have a topic picked out for your
13 dissertation?

14 A. Yes. I was going to do something on
15 interviewing prisoners and also developing a
16 learning curve for sadism.

17 Q. Did you have a chance to conduct any
18 research before you left the program?

19 A. Not really.

20 Q. Go ahead.

21 A. May I correct myself from earlier?

22 Q. Yeah.

23 A. Before I went to the prison system, which
24 I don't think we've gotten to yet, I also then
25 worked for the Los Angeles County Medical Examiner's

1 Office for two years.

2 Q. Okay.

3 A. As a student professional worker.

4 Q. Okay. Lets stick with UCLA for now.

5 A. Okay.

6 Q. And then we'll go to medical examiner's
7 office.

8 A. Right.

9 Q. You said you didn't really have a chance
10 to conduct any research before leaving the program.

11 Did you have a chance to design any
12 research or make any pitches to your advisers or the
13 faculty?

14 A. Yes.

15 Q. Okay.

16 A. And they were encouraging about it.

17 Q. And do you recall who you pitched to?

18 A. With Dr. Morneau.

19 Q. Okay. Did you have -- did you have a
20 research plan designed?

21 A. Not really.

22 Q. Did you prepare any drafts or an abstract,
23 anything like that of the research that you intended
24 to conduct on your thesis topic?

25 A. No, it was verbal discussion.

1 Q. Okay. When did you leave the program?

2 A. When I went to the prison system. No, I
3 went to the L.A. County Coroner's Office for two
4 years, and then I left there after two years and
5 went to the prison -- the Michigan Department of
6 Corrections employment in the super maximum prison.

7 Q. Okay. So you were at UCLA beginning in
8 1972 or 1973, and when did you leave UCLA? The
9 school, not the city of Los Angeles, when did you
10 leave the UCLA doctoral program?

11 A. I think I was there off and on for about a
12 year and then I'm not sure why it faded for me.

13 Q. You're not sure why what?

14 A. It faded, I lost interest or I just didn't
15 participate as much as I had before.

16 Q. But you left the program voluntarily?

17 A. Yes. And even so, Dr. Morneau still would
18 call me wherever I moved to and would try to stay in
19 contact.

20 Q. Okay. You mentioned earlier -- you made a
21 couple mentions of the cost of your undergraduate
22 education and your master's --

23 A. Right.

24 Q. Did you receive any scholarships for -- to
25 pay for your undergraduate education?

1 A. I received a four-year scholarship, all
2 tuitions paid.

3 Q. Was there a name of the scholarship?

4 A. The Eisenhower Scholarship.

5 Q. Was that an actual scholarship or a
6 federal grant at the time?

7 A. All I know is I went at registration -- in
8 those days, we didn't register by computer, and it
9 took three days to register and there were 40,000
10 students at Michigan State at the time, so it was
11 quite a drama and I saw a desk which said
12 "Scholarships," and I walked over and I said to them
13 "I'm not sure I belong here, but I just want to ask,
14 is there anything out there that I need to be doing
15 at your desk?" and they looked it up and said "Yes,
16 you have a four-year scholarship," which was very
17 helpful.

18 Q. Did you --

19 A. So I could eat.

20 Q. You still had what?

21 A. Could eat.

22 Q. Did you have to complete an application
23 for the Eisenhower Scholarship?

24 A. I must have. I don't recall it.

25 Q. Any other scholarships besides the

1 Eisenhower Scholarship?

2 A. Not really.

3 Q. What about for your master's degree?

4 A. Well, there was enough money left in
5 scholarship that I could use that also for my
6 master's.

7 Q. Go ahead.

8 A. And so after -- after finishing my
9 undergraduate, then I went directly into the
10 master's program and the scholarships -- since I had
11 a four-year scholarship and I hadn't been there four
12 years, I was able to finish my master's even before
13 the scholarship was used up, so theoretically I
14 still have another year and a half scholarship if I
15 want to go back close to 80 years old to finish. I
16 think not, but --

17 Q. What was the salary on the scholarship?

18 A. A full tuition.

19 Q. Do you recall what that was at the time?

20 A. No.

21 Q. How about for UCLA, were you offered any
22 scholarships or financial aid there?

23 A. No.

24 Q. You said you were off and on at UCLA for
25 about a year, so that would have put you leaving

1 about 1973 or 1974.

2 Does that sound correct?

3 A. Right. My resume would have all the facts
4 to it. I -- I cannot confirm the dates that I'm
5 giving you.

6 Q. Okay. Do you maintain a currently updated
7 resume?

8 A. Until about two years ago. It's I think
9 about 18 pages long. I figured that there was
10 enough there that anybody that wanted to know
11 anything about me would figure it out by then. Who
12 that would be, I don't know who would benefit from
13 it.

14 Q. Where is your resume? How is it stored?

15 A. On my computer.

16 Q. Would you be willing to produce a copy of
17 that and distribute it to us?

18 A. Yes.

19 Q. So is your resume different than a
20 curriculum vitae or are we talking about the same
21 thing basically?

22 A. The same thing.

23 Q. You don't maintain two separate documents?

24 A. No.

25 Q. Okay. You said 18 pages long.

1 What all information does your information
2 have on it? What are the categories?

3 A. A lot of murder, a lot about sex crimes, a
4 lot about violent crime. I specialize in violent
5 crime as a profession, therefore I have not only
6 here in the United States, but also, then,
7 internationally lectured and whatever else in
8 everything from England and the Home Office,
9 Scotland Yard, to China to Istanbul to Hungary and
10 all over.

11 Q. Let me back you up.

12 As far as the categories go, does it list
13 all of your education?

14 A. Yes.

15 Q. And does it list all of your employment
16 history?

17 A. Yes. You could get absolute accurate
18 information.

19 Q. Does it include a list of all your
20 speaking engagements?

21 A. Not exclusive. There are some privileged
22 ones that I did not list.

23 Q. Why is that?

24 A. Because they're government protected.

25 Q. What does that mean?

1 A. Meaning that it was government work that
2 is privileged.

3 Q. How so?

4 A. By the nature of the request for my
5 services.

6 Q. Do you have any type of government
7 security clearance?

8 A. Nope.

9 Q. Any type of NSA clearance, CIA, FBI, any
10 agency clearance?

11 A. Nope. I gave a lecture -- as an aside, I
12 gave a lecture in Orlando in the '90s, I think it
13 was, and FBI, CIA, everybody else was there, and
14 after the lecture -- this was for the American
15 Academy of Forensic Sciences, then within 15
16 minutes, the FBI had me aside and had invited me
17 then to Quantico, so from that point on, then, I
18 would periodically go and give lectures at Quantico
19 and hear other people there while I was there, and
20 so then that increased my visibility, and so then
21 the other people around would reach out to me and
22 ask me to help them on their cases or whatever was
23 going on.

24 Q. That was an AAFS speaking engagement in
25 Orlando, Florida?

1 A. Right.

2 Q. What was the date of that engagement?

3 A. Again, you can get the exact date when you
4 get my resume.

5 Q. Okay. What was the name of the program?

6 A. It was in the -- this one was under the --
7 there are eight different sections of the academy,
8 but I gave this one in psychiatry. I belonged to
9 the general section. I didn't like the behavioral
10 science unit category, but I've forgotten exactly
11 the title of the speech that I gave. I gave a
12 discussion of the learning curve for sadistic
13 behavior.

14 Q. Did you present any papers or anything
15 with that discussion?

16 A. No. It's -- one of the problems in
17 speaking on such issues is that the bad people are
18 the very first people who will want the papers or
19 that will show up at the lectures if they can get
20 in, so I am very careful about how much education we
21 give the bad people to avoid apprehension.

22 Q. Those are bad people that show up at the
23 American Association of Forensic Scientist lectures?

24 A. Right, and they'd show up at other
25 lectures. When I was in Wichita, Kansas, years ago,

1 giving a lecture on the same thing, the police asked
2 me -- this was during the time of BTK and they asked
3 me if I could come down and chat with them about
4 BTK, et cetera, et cetera, et cetera, and then --

5 Q. What's BTK?

6 A. Oh, that's a serial killer out of Wichita
7 that killed nine women, seven or nine women.

8 And on the way out the door, then, the
9 detective who was sitting in the back of the lecture
10 hall, he said "See that guy sitting there?" He said
11 "He's a guy that we suspect," et cetera, et cetera,
12 et cetera.

13 Q. What was detective's name?

14 A. Pardon?

15 Q. What was the detective's name?

16 A. Oh, hell, I don't know.

17 Q. What agency was he with?

18 A. He was with the sheriff's department.

19 Q. What sheriff's department?

20 A. Wichita.

21 Q. Wichita, Kansas?

22 A. Kansas, yep.

23 Q. So that's a county sheriff?

24 A. Yep.

25 Q. What --

1 A. There was a whole group of people there.

2 Q. What county is Wichita in?

3 A. I have no idea.

4 But my point to the story is this: When I
5 went back to give the lecture, the detective came up
6 to me just before I started to speak and he said
7 "Remember that guy who I pointed out to you?" and I
8 said "Yeah," he said "I just flushed him out of your
9 audience," and so -- and this happened more than
10 once that they will sneak in and try and get -- and
11 learn as much as they can to avoid detection, so
12 therefore I'm very careful about what I say in an
13 unprotected environment.

14 Q. So that lecture was in Wichita, Kansas?

15 A. Yes.

16 Q. What was the date of that lecture?

17 A. I have no idea.

18 Q. And what were you lecturing on?

19 A. Sadism.

20 Q. Any particular aspect of sadism?

21 A. Well, the whole learning curve.

22 Q. When you say learning curve, what do you
23 mean by that?

24 A. They go in different stages and they
25 always go in a direction, so if I see a crime scene

1 that, for instance, has -- for instance, in China, a
2 torso, and I look at the torso or the pictures of it
3 or whatever else, et cetera, et cetera, et cetera,
4 then I know what I'm looking at.

5 I also know by what he did, chopping up
6 the victim, et cetera, I know what stages he went
7 through before he got there, and so therefore it
8 gives a whole investigative training of leads back
9 to the perpetrator, and luckily, they then were able
10 to identify the bad guy and -- but these are the
11 kinds of help and understanding that the detectives
12 need. It's more than just DNA, it's also the story
13 line.

14 Q. Let me interrupt you for just a second, if
15 you don't mind.

16 What was the name of the suspect that the
17 Wichita County sheriff's deputy flushed out of the
18 lecture?

19 A. I don't remember. I don't think it was --
20 I don't think it was the actual killer who later was
21 caught, but --

22 Q. Well, if he wasn't the actual killer, then
23 how was he the bad guy?

24 A. Well, he was a suspect and they were
25 looking at him as a possible. I couldn't -- we went

1 so far in terms of looking at the case, and I'm not
2 willing to go beyond what I know to be true or fair
3 or whatever else and I couldn't go any further than
4 what we did. I do know --

5 Q. What was the case that he was a suspect
6 in?

7 A. You remember the BTK killer? What was his
8 name?

9 MS. SCHAFFER: I don't -- yeah, I don't
10 know.

11 A. It was very big news. It was huge news.

12 Q. So he was a suspect in something called
13 the BTK killer?

14 A. Right.

15 Q. What year would that have been?

16 A. Again, I don't remember when I was there.
17 You'll know exactly when you look on my resume and
18 see Wichita, Kansas.

19 Q. Have you had any other circumstances where
20 somebody has been flushed out of one of your
21 lectures by local law enforcement?

22 A. Yeah, a rapist.

23 Q. And how do you identify them as a rapist?

24 A. Because they were convicted of it.

25 Q. And how do you know that?

1 A. Because the cops told me.

2 Q. Right, but I mean, I'm assuming -- well, I
3 don't have to assume, I know, for those AAFS
4 lectures, they're generally -- they require a
5 sign-up, they require a registration.

6 A. Yeah.

7 Q. They require a name and identification and
8 contact information, so I'm assuming they don't put
9 down on the form that they're a rapist when they
10 sign up.

11 A. Yeah.

12 Q. So how do you know what the criminal
13 background of the members of the audience are?

14 A. There may have been more, but I know that
15 in this one, somebody came up, I think -- I'm sure
16 it was law enforcement came up and told me that a
17 rapist was in the audience.

18 Q. Did they point the rapist out?

19 A. Yep.

20 Q. Who was the law enforcement officer?

21 A. I have no idea.

22 Q. What agency was he or she with?

23 A. They were with the sheriff's department in
24 Marquette, Michigan.

25 Q. Is that Marquette County?

1 A. Yes.

2 Q. And was that while you were working for
3 the Michigan legal system?

4 A. Yes.

5 Q. What were you lecturing on at the time?

6 A. On rape at request from the criminal
7 justice department at the university there, the
8 University of Northern Michigan.

9 Q. Were you in residence at the University of
10 Northern Michigan?

11 A. I lived in Marquette, yes.

12 Q. Were you on staff at the University of
13 Northern Michigan? Were you an associate professor?

14 A. Adjunct.

15 Q. An adjunct professor?

16 A. Yeah.

17 Q. Capital A or small a?

18 A. Small a.

19 Q. So in other words, you were a guest
20 lecturer?

21 A. Yes.

22 Q. And who asked you to conduct this lecture?

23 A. I think the chairman of the university's
24 criminal justice program.

25 Q. What was that person's name?

1 A. I don't know. They're dead now. I don't
2 remember. I suppose we could go back someplace to
3 find it, but I'm not sure.

4 Q. What was the forum for that lecture?

5 A. A large auditorium.

6 Q. Well, was it a single undergraduate class,
7 a graduate class?

8 A. It was a mixture of outside people and
9 inside people.

10 Q. So it was put on by the university, but
11 not limited to university students?

12 A. Exactly.

13 Q. What was the title of the lecture?

14 A. I don't remember.

15 Q. What aspect of rape was the lecture about?

16 A. Pardon?

17 Q. What particular aspect of rape was the
18 lecture dealing with?

19 A. Well, I included the whole range.

20 Q. That's a pretty big topic, right? How
21 long was the lecture?

22 A. Well over an hour.

23 Q. And it was just on rape in general?

24 A. Rape in general as well as pedophilia as
25 well as all kinds of deviant sex acts short of

1 murder.

2 Q. Do you recall what year that was?

3 A. No.

4 Q. Do you know if that lecture was recorded
5 or not?

6 A. No, it wasn't. Not to my knowledge. Not
7 to my knowledge.

8 Q. Do you recall any of your lectures being
9 recorded?

10 A. I don't like them to be recorded.

11 Q. Why not?

12 A. Because I don't trust a lot of people who
13 will edit and do clips.

14 Q. What do you mean?

15 A. People will exploit the lecture by taking
16 a clip out of a small portion of the lecture and
17 then playing that for mischievous means, reasons.

18 Q. Did you ever have that happen?

19 A. Yep.

20 Q. When was that?

21 A. I don't recall exactly, but I got a very,
22 very cold feeling toward any -- any recording.

23 Q. And I guess -- I guess I could understand
24 that maybe in today's world where everything is
25 recorded digitally and it can be manipulated much

1 easier, but some of these lectures that you're
2 talking about back in Wichita and up in Marquette, I
3 guess I was assuming they were back in the days of
4 VHS and Beta and the kinds of recording devices that
5 were a little bit more difficult to --

6 A. Right.

7 Q. -- cut and paste from.

8 Did you ever have a situation where a
9 lecture was recorded and somebody manipulated the
10 video? Can you think of a specific example?

11 A. I can't think of one right now, but you
12 might -- you might assume correctly if you saw me as
13 naturally suspicious.

14 Q. Fair enough.

15 Have you ever given any lectures where the
16 organization that was putting on the lecture
17 required it to be recorded?

18 A. I wouldn't do it.

19 Q. Okay. So let's see. Let's get back to
20 where we were.

21 Okay. So your resume has on it your
22 education, your employment history, but not
23 necessarily a comprehensive listing of your speaking
24 engagements?

25 A. Yes, it does have that.

1 Q. It does have a comprehensive listing of
2 your speaking agreements?

3 A. Yes.

4 Q. How do you identify on there the
5 engagements that are privileged due to some kind
6 of --

7 A. Those are not included there. I'm not
8 going to list them.

9 Q. So it's not a comprehensive listing, then?

10 A. No, and I never will give one.

11 Q. Have you ever -- this is at Quantico when
12 you said you've given presentations.

13 Does the FBI provide you with any forms,
14 guidelines, any kind of manuals for speaking at
15 Quantico?

16 A. No.

17 Q. Any kind of security restrictions, written
18 policies, anything that you had to sign?

19 A. No.

20 Q. Did you have to complete an application or
21 a background check before speaking at Quantico?

22 A. No. They knew of me.

23 Q. So how did they know of you?

24 A. Well, I'm old and I've been around since
25 Christ wore tennis shoes, so -- and they've been at

1 the American Academy of Forensic Science meetings
2 and I've been going there for over 40 years, and so
3 you get known.

4 Q. Do these -- so by the time this person
5 pulled you aside and asked you to come speak at
6 Quantico, you had been in the AAFS for 40 years?

7 A. Not -- well, in those days, it was
8 probably 25 or 30, 25 or 30 years.

9 Q. Okay. When did you first join the
10 American Association of Forensic Scientists?

11 A. I was in the very early '70s.

12 Q. And where were you working at the time?

13 A. At the Los Angeles County Medical
14 Examiner's Office.

15 Q. Why did you join the AAFS at that time?

16 A. Because it sounded interesting and people
17 I was working with were involved with it at the
18 coroner's office, and I then found out that I could
19 go, and did. I gave a small little lecture and they
20 were nice to me, so I thought, well, next year I'll
21 go, too, and it didn't take long and then I became a
22 member.

23 You have to -- it's a graduated kind of
24 membership which is a credential, and so you have to
25 give papers, you have to participate in the

1 organization, et cetera, which I did, and I became a
2 fellow and I've been a fellow probably for 30 years,
3 and I like it. I have a lot of friends there and
4 some enemies, which is fine, and it suits me.

5 Q. Are you a current fellow or a retired
6 fellow?

7 A. I'm a retired fellow now.

8 Q. What's the difference between a fellow and
9 a retired fellow?

10 A. I don't have to pay for the meetings.

11 Q. And you were in the general section, you
12 said?

13 A. Yeah.

14 Q. You also mentioned earlier the psychiatry
15 section.

16 Can members be in something like the
17 psychiatry section without actually being a
18 psychiatrist?

19 A. Well, you can present there, okay? But
20 you -- you can only belong to one of the divisions
21 and I chose to stay with general, because I thought
22 that -- and still believe, that they're a little
23 more authentic than some of the behavioral people.
24 I found them shallow, quite frankly.

25 Q. The behavioral people you found shallow?

1 A. Yep.

2 Q. And would your resume also include a
3 comprehensive list of your published works?

4 A. Some.

5 Q. Is there anything else listed on there
6 besides education, employment history, speaking
7 engagements and published works?

8 A. I think that's too much already.

9 Q. Do you remember what you were speaking of
10 specifically at the Orlando engagement where the FBI
11 agent pulled you aside?

12 A. I was speaking about the learning curve of
13 the sadist.

14 Q. That's right.

15 Okay. And who was the FBI agent?

16 A. Robert Ressler, who's now dead.

17 Q. When did he pass?

18 A. About three years ago. Parkinson's
19 disease.

20 Q. Okay. Ressler is not the gentleman that
21 you wrote -- that you wrote Profiling Killers with.
22 Is that right?

23 A. Yep.

24 Q. Okay. Did you ever coauthor anything with
25 Ressler?

1 A. No.

2 Q. Okay. So let's back up back to leaving
3 UCLA.

4 So you're leaving UCLA in 1973 or 1974,
5 and you go where?

6 A. Then I went to Marquette, Michigan, where
7 I worked for the Michigan Department of Corrections.

8 Q. Let me back you up a second, because you
9 mentioned earlier the Los Angeles County Medical
10 Examiner's Office.

11 A. Right.

12 Q. When were you there?

13 A. Again, the resume will have the exact
14 dates.

15 Q. Okay. Can you do your best to recall?

16 A. I know some of my dates or crooky, but I
17 just don't know any better at the moment. I think
18 it was the early '70s.

19 Q. So you would have been a county employee?

20 A. Yes.

21 Q. Were you in school at the time?

22 A. Yes.

23 Q. Okay. So it was while you were enrolled
24 in the doctorate program at UCLA?

25 A. Not UCLA, the University of California

1 Los Angeles.

2 Q. Isn't that UCLA?

3 A. No.

4 Q. The University of California Los Angeles?

5 A. Well, this one was UC campus -- oh, the
6 resume will have the correct address on it. Yes,
7 it --

8 Q. Are you thinking that you did not attend
9 UCLA?

10 A. No. The traditional UCLA, no, I didn't.
11 I don't want to mislead on that.

12 Q. Okay.

13 A. It was UC -- they have UC Irvine, they
14 have UC -- all these other schools, and this one was
15 in L.A., but it wasn't UCLA.

16 Q. Okay. But it was a University of
17 California system school?

18 A. Exactly. Right.

19 Q. Is there a Cal State campus in
20 Los Angeles?

21 A. I don't know. I'm confused at the moment.

22 Q. Okay. Would you like to take a break or
23 are you okay?

24 A. No, I'm just confused about it. I just
25 haven't thought about all of this. I didn't know we

1 were going to go this direction, so I -- you know,
2 it's long ago memories.

3 Q. Okay. But were you employed -- you were
4 enrolled at whatever school you were enrolled at --

5 A. Right.

6 Q. The doctoral program while you were at the
7 Los Angeles County ME's office?

8 A. Right.

9 Q. And then when you left the doctoral
10 program, did you stay on with the Los Angeles County
11 ME's office?

12 A. I stayed for two years.

13 Q. Two years after leaving the doctoral
14 program?

15 A. I'm not sure exactly of the timing on
16 that. It would be misleading if I said, because I
17 don't know.

18 Q. When you started at the Los Angeles County
19 ME's office, what were your job duties?

20 A. I was a student professional worker and I
21 worked in the lab. I taught and did some of the
22 paperwork and all these other sorts of things. I
23 would also translate within the lab down to the
24 autopsy area and I would then have contact with the
25 pathologist, and then periodically, they would ask

1 me, because I had some psychology under my belt,
2 they would ask me, then, for what does this mean and
3 have me come down and look at the victim of the
4 crime, so it was a great learning experience for me.

5 Q. You said a moment ago when you started
6 talking about that that you would translate between
7 the lab and the autopsy.

8 Did you mean transport?

9 A. Transport.

10 Q. Transport back and forth?

11 A. Right. I didn't realize I said translate.

12 Q. Okay. So essentially you were a lab
13 runner?

14 A. Yeah. Yeah. I worked seven days a week
15 at a low wage, but the experience was worth very
16 much to me.

17 Q. Let's see, you said -- I guess you didn't
18 say.

19 Who was your supervisor at the lab?

20 A. Dr. -- well, Dr. Noguchi was the coroner.

21 Q. Can you spell that for me?

22 A. N-O-G-U-C-H-I.

23 Q. Do you know Dr. Noguchi's first name?

24 A. I forgot.

25 Q. And he or she was the L.A. County Coroner

1 at that time?

2 A. Yes.

3 Q. Or medical examiner?

4 A. Yes, also known as coroner to the stars.

5 Q. Was Dr. Noguchi your direct supervisor?

6 A. No, not direct. He was the overall
7 arching corner. I'll think of the -- Dr. Ernie
8 Griesmer was my immediate supervisor.

9 Q. Can you spell that for me.

10 A. G-R-I-E-S-M-E-R.

11 Q. Did you have any other supervisors while
12 you were working in the ME's office?

13 A. Pardon?

14 Q. Did you have any other supervisors while
15 you were working during your time at the county ME's
16 office?

17 A. No, he was my primary.

18 Q. So Griesmer and Noguchi were the two
19 supervisors?

20 A. Correct.

21 Q. Who was whose boss?

22 A. Dr. Noguchi.

23 Q. Okay. What are the names of some of your
24 colleagues at the ME's office while you were there?

25 A. Oh, sir, I don't remember any of those

1 anymore.

2 Q. You mentioned that you were asked because
3 of your background in psychology, that you were
4 asked by pathologists from time to time to offer an
5 opinion on something that they were looking at
6 during an autopsy.

7 What's the name of a pathologist that
8 asked you for an opinion?

9 A. I used to know, but again, it's been a
10 long time.

11 Q. Do you recall the names of any of the
12 pathologists at the L.A. County ME's office while
13 you were employed there?

14 A. I'm thinking of one. Dr. Bucklin.

15 Q. Spell that for me.

16 A. B-U-C-K-L-I-N.

17 Q. What was Dr. Bucklin's first name?

18 A. I have no idea. I didn't call him
19 anything other than Dr. Bucklin.

20 Q. What would you say his age was at the time
21 that you worked there, approximately?

22 A. His age or my age?

23 Q. His age.

24 A. He was probably in his 50s.

25 Q. And how about Dr. Noguchi?

1 A. He -- at that time, he was probably in his
2 60s or 70s. He's still alive as far as I
3 understand.

4 Q. What about Dr. Griesmer?

5 A. He's retired, and still alive as far as I
6 know.

7 Q. How old would he have been approximately
8 at the time that you worked there?

9 A. He would have been certainly in his 60s.

10 Q. Okay. Other than Dr. Bucklin, do you
11 recall the names of any other pathologists who
12 worked in the ME's office during your time there?

13 A. I never thought I'd forget, but I have.

14 Q. Okay. Did you do any actual case
15 reporting while you were in the Los Angeles ME's
16 office?

17 A. No. That was their job, not mine.

18 Q. Are there any records or would there be
19 records at the ME's office that you consulted on the
20 cases that came through the ME's office?

21 A. Not to my knowledge.

22 Q. Do you remember the names of any of the
23 cases that you would have consulted on, the name of
24 the deceased, the name of the --

25 A. Not really. Not really.

1 Q. Okay. What year did you leave the ME's
2 office?

3 A. The two years after I started.

4 Q. And you started while you were in school,
5 so how long had you been in the doctorate program
6 before you started at the ME's office?

7 A. I wasn't in the doctorate program. I was
8 in the criminology program.

9 Q. Oh, like undergrad?

10 A. No, it would have been like a second
11 master's.

12 Q. Okay.

13 A. Right.

14 Q. Okay. So did you -- did you at any time
15 pursue or complete course work towards a doctoral
16 degree?

17 A. I thought about it and the answer was I
18 chose not to. From my point of view, I was
19 successful with a master's and I chose not to go
20 further.

21 Q. Okay. So the degree that you were
22 pursuing or the course work that you were pursuing
23 in criminology was a second master's?

24 A. Yeah.

25 Q. And before you really got going in that

1 program, you decided that you were just okay with
2 the --

3 A. Right. Right.

4 Q. Okay. And did your -- all right.

5 Do you recall the name of the school that
6 you were pursuing the master's in criminology at
7 yet?

8 A. No.

9 Q. As part of your participation in the
10 master's program at Michigan State, were you
11 required to teach?

12 A. No.

13 Q. How about at the California program, were
14 you required to teach there?

15 A. No.

16 Q. So how long were you in the master's
17 program in California in criminology before you took
18 your job at the medical examiner's office?

19 A. I don't know. I don't remember. I just
20 don't remember.

21 Q. Okay.

22 A. Okay.

23 Q. Okay. So -- okay. Maybe I misunderstood
24 your answer.

25 So did you leave the ME's office two years

1 after you started at the ME's office?

2 A. Yes.

3 Q. Okay. So you were there a total of two
4 years?

5 A. Right.

6 Q. And your job title when you started was
7 student professional worker, right?

8 A. Right.

9 Q. So then when you left the criminology
10 program, the master's program at whatever school you
11 were at in California, did you lose the student
12 professional worker designation?

13 A. No, because that was at the coroner's
14 office.

15 Q. Was that something different than at the
16 ME's office?

17 A. No, it was the same office.

18 Q. Okay. I mean, that's what I'm getting at.
19 If were you employed as a student professional
20 worker in the ME's office or coroner's office,
21 whichever, and then were you no longer a student
22 because you dropped out of the criminology program,
23 did you lose the designation of student professional
24 worker?

25 A. No.

1 Q. Okay. So when you left the ME's office,
2 was your title still student professional worker at
3 that time?

4 A. Yes.

5 Q. And were those -- when I was a student
6 back in the day, we had what was called an LTE,
7 LTE I, LTE II, different divisions at the state
8 school.

9 Was the student professional worker title,
10 were there grade occasions? Was there student
11 professional worker one, student professional worker
12 two, things like that in?

13 A. No.

14 MS. SCHAFFER: I'm going to object that
15 that calls for speculation.

16 You can answer if you know.

17 Q. So it was just student professional
18 worker, period?

19 A. Right.

20 Q. Okay. So during the two years that you
21 were there, did you receive any promotions or a pay
22 raise, anything like that?

23 A. No.

24 Q. And you started out in the -- you were at
25 the ME's office as a lab transport, kind of lab

1 maintenance person, right?

2 A. And a go-fer.

3 Q. And a go-fer, all right.

4 And at the time that you left the ME's
5 office -- well, let me back up.

6 When you were in the -- when you were in
7 lab transport, was that in a particular division or
8 department of the ME's office?

9 A. It was separated, but not artificially
10 created differences. I mean, there wasn't this lab
11 over here and something totally unrelated, it was
12 all very interactive.

13 Q. Okay. So there weren't multiple divisions
14 within the office or multiple departments?

15 A. Not really. Not really.

16 Q. Okay. You just worked for the entire
17 office in general?

18 A. Right.

19 Q. Okay. And when you left the ME's office,
20 then, were your duties the same, lab transport and
21 go-fer?

22 A. When I left the -- yes.

23 Q. Okay. And then when you left the ME's
24 office, where did you go?

25 A. The Michigan Department of Corrections.

1 Q. Okay. Why did you decide to leave the
2 ME's office?

3 A. I didn't see any future for it.

4 Q. Why not?

5 A. Well, I wasn't going to be a pathologist
6 and I didn't want to stay where I was at and I
7 wanted a future and it wasn't there, so I then found
8 a position as a psychologist for the Michigan
9 Department of Corrections in Marquette, Michigan,
10 and that had potential. Even though it was in the
11 sticks and whatever else, I chose to go there,
12 because I thought it was in my best interest.

13 Q. Okay. Was there any room for advancement
14 at the Los Angeles County ME's office?

15 A. Not for me.

16 Q. And why not?

17 A. You were categorized and you stayed there
18 and there was no -- there was not a lot of
19 transition by anybody.

20 Q. Okay. Was there -- were any of the
21 pathologists that you were working with or anybody
22 else kind of working to promote you through the
23 ranks?

24 A. No. That wasn't the spirit there.

25 Q. Okay. So you moved to Marquette, Michigan

1 and began working for the Michigan Department of
2 Corrections?

3 A. Right.

4 Q. Do you know what year you started with the
5 department of corrections?

6 A. I believe it was 1978.

7 Q. Did you take a break at all between the
8 ME's office and the department of corrections?

9 A. No.

10 Q. And what was your job title when you
11 started with the Michigan Department of Corrections?

12 A. Psychologist.

13 Q. Was that a position that had gradations,
14 like psychologist one, psychologist two, anything
15 like that?

16 A. There were Ph.D. psychologists, and
17 myself, I was a master's psychologist, okay?

18 Q. Okay. And what were the -- other than the
19 degree, what was the difference between a Ph.D.
20 psychologist and a master's psychologist as far as
21 what you could do?

22 A. The same.

23 Q. You could do the same thing?

24 A. (Witness nods head.)

25 Q. You nodded your head yes?

1 A. Yes.

2 Q. Okay. So what was the reason for breaking
3 in the a classification?

4 MS. SCHAFFER: Objection; calls for
5 speculation.

6 You can answer if you know.

7 A. I'm not sure I understood the question.

8 Q. Yeah, you said there was a distinction
9 between Ph.D. psychologist and master's psychologist
10 within the department of corrections.

11 If they both do the same things, what was
12 the reason for the changing the classification, the
13 distinction?

14 A. I think you misheard me or a misspoke.

15 Q. Okay.

16 A. When I went there, there was a Ph.D.
17 psychologist. When I came there, I had a master's,
18 so there were two -- particularly up there, up in
19 Michigan, there were two psychologists. Again, the
20 same job, in essence, and shortly thereafter, the
21 Ph.D. left, so I then became the psychologist for
22 that prison.

23 Q. Okay. What was the name of the prison?

24 A. Marquette Branch Prison.

25 Q. And what kind of prison was that?

1 A. It was a maximum security prison.

2 Q. Did that change at some point?

3 A. No. What happened was that they built,
4 before I got there, they had done a supermax
5 compound outside the major prison walls that is
6 called the Michigan Intensive Program Center and
7 that's where I was hired originally, and that's
8 where -- those places, you could not be handled in
9 any other situation.

10 The director then would -- or the
11 assistant director rather would then have to
12 personally put them in that prison or send them
13 there because of the tight security and the high
14 level of risk that they presented, and so my time
15 for the most part was spent in the Michigan
16 intensive program center, which is where my office
17 was, but periodically the warden then of all the
18 prisons up there would call me and say "Richard, we
19 need you over at So-and-So to do an evaluation" or
20 this or that or whatever else, so I went to both
21 units, but primarily it was the high-risk Michigan
22 Intensive Program Center.

23 Q. Okay. What was the other unit?

24 A. The Branch Prison, which is the maximum
25 security, and then you had the Michigan Intensive

1 Program Center, well named, for the supermax.

2 Q. And you would move back and forth between
3 the two prisons?

4 A. Right.

5 Q. How long were you stationed, I guess, in
6 the Michigan Intensive Program Center?

7 A. Until it closed. The government
8 eventually closed it, because they thought it was
9 too restrictive.

10 Q. When was that?

11 A. Pardon?

12 Q. When was that?

13 A. I think that was in the earlier part of
14 the '80s.

15 Q. Early 1980s?

16 A. Yeah. '80s.

17 Q. So you would have been there less than
18 five years?

19 A. No, I'd been there longer than that.

20 Q. In the intensive program?

21 A. Right.

22 Q. How long do you think you were there? If
23 you started in --

24 A. Oh, probably eight or ten years.

25 Q. Okay. So do you think it was in the late

1 '80s?

2 A. Could be.

3 Q. Then where did you go from there?

4 A. I then transferred downstate to the -- the
5 major prison at Jackson Prison in Jackson, Michigan.
6 It is the -- one of the world's largest walled
7 prisons and I then worked in maximum security there
8 also.

9 Q. Was that a maximum security prison or a
10 maximum security unit?

11 A. It was -- it was a multilevel prison, and
12 then I worked at the intake and also, then, the
13 administrative segregation for the high risk
14 prisoners within that system.

15 Q. Do you know what the average annual
16 population was at the Michigan Intensive Program
17 Center during the time you were there?

18 A. There were I think 98 beds in five
19 different wings.

20 Q. So a total of 500 beds?

21 A. No, a total of 98.

22 Q. Oh, okay.

23 A. Spread over.

24 Q. And were all the beds generally filled?

25 A. Yes.

1 Q. And how about the Branch program?

2 A. I know less about their capacity, so it
3 would be unfair for me to comment about it. It was
4 a busy prison, I'll put it that way, but I just
5 don't know how many people were there.

6 Q. Was the Branch program, the Branch Prison
7 larger than the intensive program?

8 A. About eight times larger.

9 Q. Okay.

10 A. Or more.

11 Q. Okay. So we started at the Michigan
12 Department of Corrections up in Marquette and the
13 Michigan Intensive Program Center, what were your
14 job duties?

15 A. Obviously interviewing prisoners, figuring
16 out their risk, where they could be housed, under
17 what conditions, and my job also then included -- I
18 had a group of officers who then worked in those
19 units and I would supervise those officers, and they
20 had to do reports and they had to do -- they had to
21 do ticketing for prison violations and all that kind
22 of stuff.

23 At a low level, I would then hear, or hold
24 a hearing on the misdeed and impose or let them go
25 or whatever else. If it was a major ticket, then

1 the deputy warden and I would then sit and we would
2 then do the major tickets and impose greater and
3 larger restrictions if necessary.

4 Q. What was the name of the officers that
5 were under your direct supervisions?

6 A. Well, it was still the MIPC or the
7 Michigan Intensive Program Center.

8 Q. Oh, so you were a direct supervisor over
9 all the officers at the Michigan Intensive Program
10 Center?

11 A. Over the -- over the -- those assigned to
12 cells.

13 Q. Okay. As opposed to perimeter?

14 A. Pardon?

15 Q. As opposed to assigned to the perimeter?

16 A. Yeah, or -- well, we had lots of walls and
17 barbed wire and only once somebody tried to escape.

18 Q. So how many officers were under your
19 direct supervision?

20 A. About ten or fifteen.

21 Q. 315?

22 A. No, I said ten or fifteen.

23 Q. And what was the highest rank of any of
24 the officers that you supervised?

25 A. Well, at the low level prison, there was a

1 sergeant, a lieutenant, and then there was a deputy
2 warden, so I had a first line in terms of the
3 everyday living and the tickets and things like
4 that.

5 Q. Okay. And so were the sergeant and the
6 lieutenant, were they under your direct supervision?

7 A. No, they were under the deputy warden.

8 Q. And who was your direct supervisor?

9 A. Joe Gregorich, who was the deputy warden.

10 Q. J-O-E?

11 A. No. G-E-O-R-G-I-C-H.

12 Q. G-E-O-R-G-I-C-H.

13 Georgich? Georgich?

14 A. No, Gregorich.

15 Q. Okay.

16 A. Maybe I misspelled it.

17 Q. G-I-E-G-O-R-I-C-H, Giegorich?

18 A. Let me write it down.

19 Q. Okay.

20 A. G-R-E-G-O-R-I-C-H.

21 Q. Okay. So his first name was Joe?

22 A. Yep. He's still alive. He's 88.

23 Q. And who was the lieutenant when you
24 started working there?

25 A. I don't remember.

1 Q. How about the sergeant?

2 A. I liked them, but I don't remember their
3 names.

4 Q. Who was the Ph.D. psychologist who was
5 working there when you started?

6 A. Larry -- I can't think of his last name.
7 He kind of went off the rails and wasn't there very
8 long.

9 Q. Like in a breakdown kind of way?

10 A. Yeah.

11 Q. And you don't recall his last name?

12 A. Not at the moment.

13 Q. Did another Ph.D. psychologist ever come
14 back --

15 A. No.

16 Q. -- into that prison?

17 A. No.

18 Q. How about when you were down at the prison
19 in Jackson, was there a Ph.D. psychologist down
20 there?

21 A. Yeah.

22 Q. And what was his name or her name?

23 A. His name is similar to my last name,
24 but -- I'll have to think about it for a minute.

25 Q. So when you worked down in the prison in

1 Jackson with the Ph.D. psychologist, what was the
2 hierarchy there?

3 A. You had the chief psychologist, then you
4 had assistant chief psychologist, and then you had
5 an intermediate level which I can't remember exactly
6 what they call it, and then you had the regular
7 psychologist, and they required Ph.Ds for all of
8 those.

9 Q. Okay. So where did you fit into that?

10 A. I did not have a Ph.D., so I was in first
11 wrung.

12 Q. Would that make you a regular psychologist
13 in that?

14 A. Yep.

15 Q. Who was the independent immediate level
16 psychologist?

17 A. I don't remember.

18 Q. Who was the assistant chief?

19 A. I used to know. I don't anymore.

20 Q. And who was the chief psychologist at that
21 time?

22 A. I'll think of it.

23 Q. Okay. Do you recall the names of any of
24 the chief psychologists while you were at Jackson?

25 A. No.

1 Q. How long were you at Jackson?

2 A. Until '99, at the end of '99.

3 Q. Why did you leave in '99? Where did you
4 go?

5 A. Retired.

6 Q. Oh, okay.

7 Okay. So you said when you started your
8 job duties, it included interviewing prisoners,
9 toward what end?

10 A. Well, are we talking about Marquette or
11 are we talking about Jackson?

12 Q. Let's talk about Marquette first.

13 A. We had 98 people. It was my rule that I
14 would walk the walk every day, and so if they had
15 questions or whatever else to ask, that was the time
16 to do it, and then if I needed to, I would have them
17 brought up and interviewed or whatever else, so it
18 was an active prison contact, at least with myself,
19 and it worked, so --

20 Q. What was the purpose of the interviewing,
21 though? Was that just you would interview them on a
22 disciplinary issue? Are we talking about intake
23 interviews? What was the purpose?

24 A. All of the above. They may have questions
25 about this or that or whatever else, legitimate or a

1 scheme of some kind, and so I, rather than left them
2 twisting in the wind, believed that you go and you
3 hear what they have to say, and if it makes sense,
4 you see what you can do. If it doesn't make sense,
5 you tell them so and to rethink their position.

6 Q. It almost sounds like a warden position or
7 a deputy warden position.

8 What's the difference between a deputy
9 warden and a psychologist there?

10 A. Over in the marquette Bridge, believe me,
11 it would be very rare that the warden or any of the
12 others would have that kind of contact, but this was
13 a smaller unit, much more dangerous, may I add, but
14 a smaller unit and I chose to be fair and call it
15 the way it is and I think it paid off in the long
16 run.

17 Q. Okay. Okay. As part of your job duties,
18 were you required to perform an intake interview
19 with each new inmate that came through the intensive
20 program?

21 A. Yes.

22 Q. Was there a particular form that you had
23 to use for that?

24 A. No.

25 Q. So how long would the typical intake

1 interview be?

2 A. It depends on how violent it was or how
3 embroiled it was. You may have a serial killer with
4 five or six killings under his belt or you may have
5 somebody who's just simply a bad robber and wants to
6 be a hero and can't -- chooses not to adjust to the
7 prison system, so therefore, he ends up in high
8 security, so you have a whole range of people that
9 you have to deal with.

10 Q. So if you're looking at a serial killer
11 who has five killings under his belt, what length of
12 time are you looking at for an intake interview
13 there?

14 A. It depends on -- I don't have to know
15 every detail and I don't have to expose all of his
16 heart, I have to figure out where his buttons are
17 and is he going to adjust and is he going to comply
18 with the rules and the regulations and what security
19 he presents.

20 Q. So would these interviews typically be on
21 the all-day side, a couple hours, a couple minutes?

22 A. Oh, no. Maybe an hour.

23 Q. Okay. And how many intake interviews
24 would you generally do in a day?

25 A. We didn't have that much movement, so

1 there wouldn't be every day, but then I would still
2 go down and still walk the walks and see what the
3 issues are or whatever else is going on or whether
4 somebody is pretending to be mentally ill or they
5 actually are mentally ill, and then I would have
6 them transported to the hospital.

7 Q. Okay. How long would that interview take
8 when you're out walking the walk and you run across
9 somebody and there's an issue, do you sit down with
10 them or just talk to them right there?

11 A. I would talk to them right there, and then
12 if I saw it as a critical issue or important issue,
13 I then would have the officers bring them to my
14 interview area and then I would call the physician
15 over at the Branch Prison and advise him what I was
16 sending over to him and we'd generally talk about
17 it.

18 Q. And how many times would that happen
19 typically, two or three times a day, once a day,
20 once a week?

21 A. Oh, no. I'd say once a week.

22 Q. Okay. So the rest of the time when you
23 were walking the walk, you were just interacting
24 with the inmates?

25 A. (Witness nods head.)

1 Q. Kind of casually?

2 A. Yeah, also demanding a certain amount of
3 respect for the system.

4 Q. Okay.

5 A. And so therefore, if, for instance, they
6 were screaming, yelling and hollering, I would walk
7 right past them and wouldn't talk to them.

8 Q. Okay.

9 A. You have to present and you have to be
10 decent and I don't care what your background is or
11 anything else, I care what you are right now, and
12 your behavior is going to be judged. When you get
13 control of yourself, then I won't have to control
14 you.

15 Q. And then you said there was also -- part
16 of your job duty was risk assessment.

17 Was that part of the intake interview
18 process?

19 A. Sure.

20 Q. Okay. So intake interviews, risk
21 assessment, supervising a team of 10 to 15 officers,
22 what other job duties did you have while you were at
23 the intensive program?

24 A. I would write for the parole board and
25 review the kinds of behaviors and everything else

1 and identify risk and identify their -- where
2 they're at, and if it can be -- if there's
3 reasonable cause to trust them, and then the parole
4 board would make up their mind.

5 Q. So what did that involve when you wrote
6 for the parole board? Did that involve bringing an
7 inmate in and having a sitdown and that kind of
8 thing?

9 A. Yes. Yes.

10 Q. And how long would one of those meetings
11 typically last?

12 A. Generally I would get into more detail,
13 maybe an hour, an hour and a half, and then I would
14 end by telling them what I thought and what I would
15 tell the parole board, so I told them straight to
16 their face that they were a questionable entity,
17 that it did not look good and I could not support a
18 recommendation for parole.

19 Q. How many hours a day would you typically
20 spend supervising the officers in your unit?

21 A. At least -- well, after the other
22 psychologist left, I was on 24/7 all the time,
23 because that's what happens, so I would work an
24 eight-hour shift, and then sometimes if necessary,
25 then I would come in at night, because I wanted to

1 see what happened on the night shift and all this
2 kind of stuff, because I wanted it to run smooth.

3 Q. Did you actually live at the prison?

4 A. No.

5 Q. Okay.

6 A. I lived in the town.

7 Q. So how many hours per day would you say
8 you typically spent on the role of supervising
9 officers?

10 A. Eight.

11 Q. And that was on top of conducting intake
12 interviews and parole interviews?

13 A. Right. Correct.

14 Q. So how many -- what would a typical day
15 look like to you in terms of number of hours,
16 ten-hour days, twelve-hour days?

17 A. I tried to save myself, also, so I tried
18 to stay eight hours a day, but if necessary, I'd
19 stay longer.

20 Q. Did you have any responsibilities for
21 things like budgets, staffing, scheduling, things
22 like that?

23 A. No.

24 In a minute, I'm going to ask you for a
25 smoke break, or whenever you want.

1 Q. Okay. I just want to make sure that I've
2 covered all your job duties at the intensive
3 program.

4 A. Right.

5 Q. So we have intake interviews, risk
6 assessment, supervising officers, and then you said
7 something about tickets, so I'm assuming that means
8 some kind of disciplinary action?

9 A. Yes. There's a minor and a major ticket
10 category, and I would hear all the minor --
11 individually, I would hear all the minor tickets if
12 they wanted to protest. They could agree to the
13 ticket or they could protest and come to me.

14 If it was a major, then the deputy warden
15 and I would then sit together and hear those
16 tickets, which were generally more serious tickets.

17 Q. So is that similar to like an arbitration,
18 you pull both sides in one at a time and hear each
19 person's side of what happened?

20 A. Or -- yeah, I'd hear the officer who would
21 write the ticket.

22 Q. Okay.

23 A. What the facts were, and then I'd then
24 hear the inmate and what his explanation was.

25 Q. Okay. Those circumstances, you'd be

1 talking about a specific event that happened in the
2 prison?

3 A. Right.

4 Q. That's not an interview on life history
5 and all that?

6 A. No. That's correct.

7 Q. Okay. So other than those things, the
8 intake interviews, the risk assessment, the
9 supervising of officers, the writing to the parole
10 board and the adjudicating of minor and major
11 tickets, was there anything else that comprised your
12 duties?

13 A. No.

14 Q. How about at Jackson, was anything
15 different when you were at Jackson?

16 A. No, just a larger population.

17 Q. Okay. Did you have any responsibility for
18 treating inmates, treating patients?

19 A. Yes, periodically. They would do group
20 psychotherapy for sex offenders or violent --
21 violent actions and -- but for the most part, I
22 did -- I wrote a lot of intake, I did the intake
23 on -- I was more experienced with the more violent,
24 unpredictable types, and so I would generally do
25 between four and six full interviews a day, and then

1 if you want to figure out the number, I was there
2 probably for 15, 20 years, and so you can multiply
3 that times four to six a day.

4 Q. Are those intake interviews or therapy
5 interviews?

6 A. Intake. Intake.

7 Q. Intake?

8 A. Yeah.

9 Q. Okay.

10 A. And from that, then, a round number, I
11 would take that number, and then divide it and --
12 because I would periodically take leave and go off
13 to Europe or whatever it was, London, whatever the
14 case, or to Russia, so to err on the side of safety,
15 I would then just cut that number in half. I think
16 it's more than that, but I didn't want to embellish
17 something that shouldn't be.

18 Q. And you said a typical intake interview
19 was how long?

20 A. It depends on the -- it very well may
21 take -- sometimes they're uncooperative or whatever
22 else, so it only takes 20 minutes. Other times, it
23 may take an hour. A complicated case, if there's
24 mental illness that's alleged, then it's going to
25 take longer to sort that out, and then I'd refer

1 them over to medical or not, that kind of stuff, so
2 it was more time consuming, but generally I would do
3 six cases probably in five or six hours.

4 Q. So six cases in five hours and another
5 eight hours managing supervising officers?

6 A. Well, I didn't supervise officers at
7 Jackson.

8 Q. Oh, okay. This is at Jackson that you're
9 talking about?

10 A. Yeah. Yeah.

11 Q. Okay. And then you said a couple times
12 when there was a mental health issue or mental
13 illness issue, you'd refer to medical.

14 Was a psychiatrist or a Ph.D. on staff at
15 Jackson?

16 A. Down at Jackson, we had a whole hospital.

17 Q. What about up at Marquette?

18 A. Marquette had a smaller hospital and a
19 physician there.

20 Q. Okay. But as far as mental illness,
21 inmates in crisis, that kind of thing, you didn't
22 deal with that, you moved those folks off to the
23 hospital?

24 A. Sometimes we would do it, but most of the
25 time, they would stay where they're at and the doc

1 would send medication over to them, but if it became
2 serious enough, a high suicide risk or whatever,
3 then I would insist that they go over there.

4 MR. LAUERSDORF: All right. Are you ready
5 for a smoke break?

6 THE WITNESS: Sounds great.

7 MR. LAUERSDORF: Okay.

8 (Pause in deposition: 10:41 - 10:52 a.m.)

9 THE WITNESS: I need to correct the
10 record.

11 MR. LAUERSDORF: Okay.

12 THE WITNESS: We looked it up, I was wrong
13 with UCLA. It was Cal State L.A.

14

15 BY MR. LAUERSDORF: (Continuing)

16 Q. Cal State L.A.

17 Okay. And when were you looking that up,
18 were you able to clarify the time period that you
19 were there?

20 A. No. We just looked up the location and
21 then I realized that you were right.

22 Q. Okay. So I think we're probably going to
23 talk a little bit more about your time at the
24 Michigan Department of Corrections, but I want to go
25 back and talk about licensing a little bit.

1 So do you currently hold any professional
2 licenses?

3 A. I just let it expire.

4 Q. And what was that?

5 A. My psychology license with the Michigan
6 department -- with the -- with Michigan.

7 Q. Okay. Other than your psychology license
8 with Michigan, do you hold any other professional
9 licenses?

10 A. No.

11 Q. Have you in the past?

12 A. No.

13 Q. I have a record of a license No. 9391 for
14 psychology in the State of Pennsylvania.

15 Does that ring any bells?

16 A. I don't ever have any -- I don't have any
17 recognition of that.

18 Q. Okay. Have you ever been licensed as a
19 psychologist in the state of Pennsylvania?

20 A. No.

21 Q. And then I have a record of a license
22 No. 6301002812 for a psychologist in the State of
23 Michigan.

24 Is that your Michigan license?

25 A. It could be. I don't know my number at

1 the moment.

2 Q. Okay. And when I was looking at that, in
3 one location, it just says psychologist, and a
4 couple other locations, it says something called
5 master's limited psychologist.

6 What's that?

7 A. Same thing.

8 Q. What does that mean, master's limited
9 psychologist?

10 A. Meaning that because it's a master's and
11 not a Ph.D., you have to be supervised.

12 Q. Okay. And is that true everywhere in the
13 state or like in private practice or just in the
14 DOJ --

15 A. In the prison system, the state prison
16 system.

17 Q. You said you let that license expire.
18 When did that expire?

19 A. Probably last year.

20 Q. Why did you let it expire?

21 A. I'm more interested in criminology at the
22 moment than I am in psychology and I have no
23 interest in going back teaching or working in the
24 business system or any of that kind of thing, so I
25 just don't find it useful for me.

1 Q. Okay. Have you ever been licensed as a
2 psychologist anywhere other than Michigan?

3 A. No.

4 Q. Have you ever been licensed as a private
5 investigator anywhere?

6 A. Yes.

7 Q. Whereabouts?

8 A. In Pennsylvania and I also turned that in
9 and rejected that.

10 Q. What do you mean?

11 A. I signed up to have it, got the license,
12 and then realized that it was not my cup of tea, so
13 I then wanted out of it, so I took it back to the
14 courthouse and turned in all my evidence and said
15 "Thank you very much. I'm on my own."

16 Q. Okay. Why did you decide that wasn't your
17 cup of tea?

18 A. Um, that's -- I'd rather consult on cases
19 than I would to go out and play detective.

20 Q. Did you actually work for a private
21 investigation firm or anything like that?

22 A. No.

23 Q. Did you have any assignments as a private
24 investigator before you terminated your license?

25 A. No, not really. I did -- I have lectured

1 two or three times to the statewide private
2 investigators association, but I don't do that
3 anymore. I like what I'm doing.

4 Q. The statewide private investigators
5 association for what state?

6 A. Pennsylvania.

7 Q. When did you turn in your PI license?

8 A. Oh, probably three or four years.

9 Q. How long did you have it before you turned
10 it back in?

11 A. Probably nine months.

12 Q. Have you ever been licensed as a private
13 investigator in Michigan?

14 A. No.

15 Q. How about in the State of Oregon?

16 A. No.

17 Q. Have you ever been licensed as a private
18 investigator anywhere other than the state of
19 Pennsylvania?

20 A. Right.

21 Q. Right, no, you haven't?

22 A. I have not.

23 Q. Do you own any law enforcement
24 certification or credentials in any state?

25 A. No.

1 Q. How about any county or municipality?

2 A. No.

3 Q. Have you ever been convicted of a crime?

4 A. No.

5 Q. Have you ever been sued by anyone other
6 than Mr. McGuffin?

7 A. I was sued by -- in the Drake case.

8 Q. That's Drake v. Portuondo, is that the
9 name of the case?

10 A. Right. Out of Niagara Falls, New York.

11 Q. Who were you sued by?

12 A. The -- I forgot his name, but anyway, the
13 bad guy.

14 Q. Drake?

15 A. Yeah. He got convicted and then appealed
16 and then he was -- he was given a larger sentence in
17 the second trial without me and then -- he
18 eventually then convinced somebody to sue again and
19 claimed that I lied and whatever else and then he
20 approached the Niagara Falls Prosecutor's Office who
21 had -- that's where the trial took place originally,
22 and from that, then, they heard all of the
23 complaints.

24 They chose, then, to believe Robie Drake
25 that I'd somehow done wrong and they didn't bother

1 to tell me about it, so therefore it then went to
2 court, and they were convinced, based on what they
3 had heard, and they didn't hear from me, heard
4 everything that was said, and so an opinion was
5 written basically victimizing as well as trying to
6 cut my neck and discredit me.

7 I then --

8 Q. Let me stop you for a second there.

9 Were you actually sued by Mr. Drake, you
10 personally?

11 A. I'll rephrase and say I thought I was, but
12 maybe I wasn't, I don't know, but I know that I was
13 named basically as a way of getting out of prison,
14 and again, Niagara Falls failed to let me know,
15 therefore I had no right to defend myself after the
16 fact, because I wasn't -- for some legal reasons,
17 I'm not exactly sure why.

18 You guys are the legal authorities, but
19 the -- I was not allowed to sue or to ask to be
20 heard or have it overturned or anything else like
21 that, and from that, then, I went to several lawyers
22 in New York that were licensed and they told me that
23 I didn't have any opportunity to sue, so therefore I
24 was injured and damaged and damned, if you please,
25 without any remedy.

1 And so then with all that, the Vidocq
2 Society and the American Academy got involved and
3 they both were vigorous in their investigation,
4 which I am pleased for, and from that, then, the --
5 three different people wrote to the American Academy
6 of Forensic Sciences, the ethics committee, and had
7 me taken out of the academy, however their
8 investigation of it was that I was truthful and that
9 I had not committed any violation.

10 In part, the violation at large was that I
11 used no psychological and no legitimate
12 terminologies, for instance, with the idea of what
13 piquerism was, where the multiple stabbing, et
14 cetera, and from that, then, everybody believed in
15 this paid gun, in my opinion, but psychologists that
16 testified there wasn't such a thing.

17 Well, when in fact, the first legal entry
18 where piquerism was used was in 1923 and there's a
19 whole register now of other cases where piquerism is
20 used, and whether the person who advised the court
21 was crooked or just stupid, the -- nobody ever
22 challenged the opinions of the court, so the court
23 ruled, then, that I had misquoted, et cetera, and
24 used nonprofessional language, when in fact, it's
25 part of the lexicon, it's just that he was too damn

1 dumb to figure it out, not that I'd be critical.

2 Q. Who were the three different people that
3 complained to AAFS?

4 A. AAFS generally and specifically does not
5 reveal that.

6 Q. So you don't know the identity of --

7 A. I suspect two, but do I have proof of it?
8 No. Does AAFS have it? Yes, but then Karin here
9 has a copy, then, of a letter from AAFS that
10 exonerates me three times for what they claim and
11 deducted for claims for what they considered to be a
12 wrongful accusation.

13 Q. Who are the two people you suspect?

14 A. A guy by the name of Weller and -- who's a
15 psychologist in New York.

16 Q. W-E-L-L-E-R?

17 A. Yes, and I suspect, then, another -- I
18 can't think of his name. I will in a minute.

19 Q. Do you know Mr. Weller's first name?

20 A. No. It may be Michael, but I'm not sure.
21 I've never met him that I know of.

22 Q. As far as I can tell, at least in Drake v.
23 Portuondo, you weren't personally sued?

24 A. Okay. Fair enough.

25 Q. So getting back to the original question,

1 other than being sued by Mr. McGuffin, have you ever
2 been sued by anyone?

3 A. No.

4 Q. Okay. Have you ever sued anyone?

5 A. No.

6 Q. Are you currently married?

7 A. No.

8 Q. Have you ever been married?

9 A. Yes.

10 Q. To who?

11 A. I don't remember her name.

12 Q. Do you remember her maiden name?

13 A. She remembered her -- I really don't want
14 to go here. I don't like the question actually.

15 Q. Well, I need to ask it, so I need to know
16 the name of the person that you were married to.

17 MS. SCHAFFER: Yes, you can answer the
18 question.

19 A. Neda Pruitt.

20 Q. Can you spell that for me.

21 A. N-E-D-A, P-R-U-I-T-T.

22 Q. How long were you married?

23 A. Not long.

24 Q. Less than a year?

25 A. Yep.

1 Q. Where were you married?

2 A. In Washington state.

3 Q. And how did the marriage end? I don't
4 want details, just by divorce, by death?

5 A. By divorce.

6 Q. Okay. And where was the divorce filed?

7 A. I think in the Tri-Cities, Pasco or
8 something like that. I'm not sure.

9 Q. Do you have any children?

10 A. No. I don't like children.

11 Q. Are you currently employed?

12 A. No.

13 Q. Who was your last full-time employer?

14 A. Ohio State University. Sorry, Oklahoma
15 State University in Tulsa, Oklahoma.

16 Q. Okay. And how were you employed by
17 Oklahoma State University?

18 A. I was employed to teach in the graduate
19 program.

20 Q. Full-time?

21 A. Yes, for a year. I didn't like it and
22 left.

23 Q. Teaching the graduate program in what
24 school?

25 A. Forensic sciences.

1 Q. Do they actually have a --

2 A. Yes.

3 Q. -- school of forensic sciences?

4 A. Yep.

5 Q. That's not a division of another --

6 A. Well, it's a division of the medical
7 school.

8 Q. Okay. Do they refer to that as health
9 sciences?

10 A. Could.

11 Q. So is the forensic science discipline with
12 the school of health sciences?

13 A. Right.

14 Q. Okay.

15 A. Makes sense.

16 Q. And when did you teach that?

17 A. In -- I went in '15 and left in '16.

18 Q. And who hired you for that position?

19 A. Rob Allen.

20 Q. A-L-L-E-N?

21 A. Yes.

22 Q. What was Rob Allen's title?

23 A. He was the director of that unit.

24 Q. Was he a -- was he a professor, too?

25 A. Yes, I believe so.

1 Q. A tenured professor?

2 A. Yep.

3 Q. What did you teach there?

4 A. I was supposed to be teaching crime
5 assessment amongst other things and I found out that
6 the students could memorize, they couldn't think,
7 and I felt I was wasting my time, so I left.

8 Q. Was that a fellowship or an associate
9 professorship or adjunct professor, what was your
10 title?

11 A. It changed across time.

12 Q. Okay. What was it when you started?

13 A. When I started, it was I think -- I could
14 be wrong, but I think it was adjunct professor, and
15 then some of the professors objected, because I only
16 had a master's, so therefore they changed it to some
17 other title that I don't recall off the top of my
18 head.

19 Q. Do you recall the names of any of the
20 professors that objected?

21 A. No.

22 Q. Were they in that specific program or --

23 A. Yes.

24 Q. The Department of Health Sciences?

25 A. Right. Of course they're not going to

1 tell me.

2 Q. But they weren't just some randoms from
3 the college of literature or something like that?

4 A. Right.

5 Q. They were actually --

6 A. Right.

7 Q. Okay. Do you recall what the title was
8 changed to after adjunct professor?

9 A. Not off the top of my head.

10 Q. How long after the change did you end up
11 leaving the school?

12 A. I left I think it was in August of '16.

13 Q. And how many classes did you actually
14 teach while you were there?

15 A. About two.

16 Q. Two semesters, two classes?

17 A. No, two classes in that year.

18 Q. Okay. Were they on quarters, semesters,
19 or trimesters there?

20 A. They were on semesters.

21 Q. Okay. So did you teach two courses the
22 same semester or one each semester?

23 A. One each semester.

24 Q. What was the name of the first course?

25 A. Crime Assessment.

1 Q. And what was the name of the second
2 course?

3 A. Crime Assessment.

4 Q. Oh, was it the same course?

5 A. Yep.

6 Q. You just taught it twice?

7 A. Correct.

8 Q. Who was your supervisor for that role?

9 A. Rob Allen.

10 Q. Okay. And that was full-time?

11 A. Yes.

12 Q. Was that a salaried position?

13 A. Yes.

14 Q. Okay. And who was your last full-time
15 employer before Oklahoma State?

16 A. Michigan Department of Corrections.

17 Q. How about part-time employer, have you had
18 any part-time jobs since leaving Michigan?

19 A. Well, I was a consultant and lecturer with
20 a buddy of mine with the Sherry Black Foundation out
21 of Utah and we would go and give training lessons to
22 law enforcement on fighting crime.

23 Q. Are you still doing that?

24 A. Well, we were going to start up again, but
25 the pandemic shut that down.

1 Q. I'll ask you questions about the Sherry
2 Black Foundation a little later.

3 A. Okay.

4 Q. Were there any other part-time paid
5 positions between Michigan DOC and Oklahoma State
6 University?

7 A. Not really.

8 Q. When was the last time that you provided a
9 service to any person or organization for a fee,
10 wage, salary, stipend, retainer or other
11 compensation?

12 A. I don't know. I know that I've been
13 giving a lot of stuff away pro bono.

14 Q. Do you get paid for your speaking
15 engagements usually?

16 A. Yeah.

17 Q. How much do you charge? Do you have a
18 rate schedule?

19 A. Yes. In fact, I'm going to be teaching in
20 October in North Carolina at the homicide school.
21 It's \$1,000 a day.

22 Q. Is that listed on your resume as well or
23 is that separate?

24 A. Separate. Separate.

25 Q. Is that just a standard flat rate?

1 A. Yes, but I will also -- I'll negotiate.

2 Q. Is that \$1,000 all in, or do you have a
3 per diem, travel expenses, that kind of thing?

4 A. Oh, yeah. That has to be taken care of.

5 Q. And how many speaking engagements would
6 you say you do in a typical calendar year?

7 A. Well, it's been unusual, so now I'm trying
8 to get back on the schedule and all that kind of
9 stuff. I have some interest, but at the moment, the
10 only one scheduled is North Carolina.

11 Q. Okay. And what organization is that in
12 North Carolina?

13 A. It's the North Carolina Homicide
14 Investigator's Association.

15 Q. When was the last time you presented for
16 AAFS?

17 A. It's been quite a while.

18 Q. Do you recall the year the last time you
19 presented there?

20 A. No. It's time for the young people to
21 earn their stripes.

22 Q. Let's see. Going back to the Michigan
23 Department of Corrections for a second, you
24 mentioned Michael Capuzzo earlier.

25 A. Right.

1 Q. He's the guy that wrote Murder Room.

2 Is that right?

3 A. Yes.

4 Q. He said in there when I was reviewing
5 that, he said that you told him that while you were
6 at Michigan DOC, you could turn off the inmate
7 showers by a remote switch.

8 How did that work?

9 A. Because they were dangerous and they
10 were -- it was a highly, highly controlled
11 environment. Not only could we control the
12 temperature of the water, but we could control the
13 amount of water they got in the shower.

14 Q. Did they have individual showers, then?

15 A. No.

16 Q. Group showers?

17 A. Group -- well, it was a shower that only
18 one could be in at a time.

19 Q. Oh, okay. So a shower room with one
20 showerhead?

21 A. Exactly.

22 Q. Okay. And that ran some kind of wire back
23 to your office or something?

24 A. Well, no. It went to the officers in the
25 bubble that was in the center of that core that

1 could watch them go to the shower, watch them in the
2 shower, and control the temperature and all that
3 kind of stuff and also cut off the shower and watch
4 them back to their cell.

5 Q. So was there one shower for all 98 --

6 A. No, each wing had their -- there was one
7 shower, but only -- it would rotate in terms of
8 which wing was going to be showered that day.

9 Q. Okay. And each wing had a bubble?

10 A. No, one bubble or all five.

11 Q. Okay.

12 A. It's like a --

13 Q. A wagon wheel?

14 A. A wagon wheel.

15 Q. So one bubble in the middle and five
16 spokes going off of the bubble?

17 A. Yeah. Yeah.

18 Q. And the bubble is basically a command
19 center for the guards that are inside the prison?

20 A. Exactly. Exactly.

21 Q. Okay. And so from that bubble, they could
22 control all five of the showers?

23 A. Uh-huh.

24 Q. And monitor them?

25 A. Uh-huh.

1 Q. Okay. And so how much time would you
2 spend in that bubble on a daily basis?

3 A. I rarely, if ever, went in. I walked down
4 there on my daily reviews, but there was no need for
5 me to go down there.

6 Q. Okay. So how often were you turning the
7 inmate's showers on and off by remote switch?

8 A. Well, it depends on what was happening in
9 the shower and whether there was a disturbance or
10 whatever else, what was going on, or manipulation of
11 some kind. It was not going to be every day, but we
12 certainly had the capacity to turn it off if
13 necessary.

14 Q. How many times did you do that yourself
15 personally?

16 A. I didn't -- I don't -- that's not my job.
17 It was the officer's job to do that.

18 Q. How many times did you instruct an officer
19 to do that?

20 A. Many times they would do it because of the
21 emergency of the situation and then I would learn
22 about it.

23 Q. Okay. One of the other things he
24 mentioned is that you would put inmates on a diet of
25 prison loaf which he referred to as all three meals

1 for the day blended and baked into a brick.

2 A. Yes.

3 Q. So tell me how that works. You lived the
4 life, but my familiarity with prison food is that
5 the food service is pretty bureaucratic, but it
6 sounds like you had some control over the food
7 service.

8 A. Well, yeah. If inmates are going to throw
9 urine on you or whatever else, okay? That's not
10 cool to serve them food or if they violate all kinds
11 of eating issues, and they will, then they get the
12 same nutrients that are in the regular meals that
13 are being served, but for those that are
14 misbehaving, then, they would take all that food,
15 mix it together, and make a loaf and put that on
16 their cell door and then they would close the cell
17 door, they would eat, so they didn't have any tools,
18 they didn't have any plates, all that kind of stuff.
19 It was just -- it was just no weapons or anything
20 else that could be made.

21 Q. So there was no common mess in that
22 program, the intensive program?

23 A. No.

24 Q. So each inmate ate in their own cell?

25 A. Oh, yeah. Oh, yeah. Quite so.

1 Q. Was that essentially like an ad seg unit
2 or an isolation unit?

3 A. Yeah. Yes.

4 Q. So because each meal was being served
5 individually, you personally could control how that
6 meal was prepared for each inmate?

7 A. Yep. This person is no longer on regular
8 diet, he's on food loaf.

9 Q. And how is it that that responsibility
10 fell to you as opposed to the sergeant or the
11 lieutenant or an officer or the warden?

12 A. It just did. I wasn't opposed to it.

13 Q. Was that part of a written policy or a
14 written protocol?

15 A. Not that I know of, but it was a judgment
16 call as to getting back into control. If he didn't
17 like food loaf, and there were some who did, some
18 preferred it over the regular meal, but if you
19 didn't like food loaf and you want to improve the
20 quality of your life, then shape up.

21 Q. So how did that work? Each day, like at
22 the beginning of the day, you'd send an order down
23 to the kitchen that says "Hey, this guy gets the
24 loaf, this guy doesn't," did you do it for each
25 meal? How did you control that? That seems like a

1 lot of administrative work.

2 A. No, not really.

3 Q. Would it be like a standing order for the
4 week?

5 A. It could be. It could be. Until -- until
6 he resumes reasonable behavior that is expected.

7 Q. Okay. Would there be records kept of
8 that?

9 A. Of course. Probably.

10 Q. Do you recall keeping records of it?

11 A. I didn't.

12 Q. Was there a book or did you write down "On
13 this day, I ordered the loaf for discipline for" --

14 A. No. No.

15 Q. But you interacted with the inmates on a
16 daily basis, right?

17 A. Yeah.

18 Q. How much time did they each get out of --
19 did they get any group time out of a cell or was
20 each individual allowed yard time independently or
21 shower time --

22 A. Yard time independent, and they had cages,
23 in essence, so you would let three or four people
24 out, but in separate cages. They couldn't be
25 together.

1 Q. Okay.

2 A. Because they'd beat each other up or
3 whatever.

4 Q. And did you have your own office inside
5 the prison?

6 A. Yes.

7 Q. Where was that located?

8 A. In the front -- at the front of the
9 building behind the gates.

10 Q. Okay. So it would be like an
11 administrative area and you'd have to enter behind
12 the gates to get to the bubble?

13 A. Yeah.

14 Q. Were your interactions when you would do
15 the interactions with inmates, was that a
16 one-on-one, was there an officer in the room, how
17 did that work?

18 A. It depends on the circumstances. It
19 depends what I needed to or wanted to discuss. It
20 also depended on the patient -- or the prisoner.
21 Sometimes they would have to have leg irons, belly
22 chains and an officer in the room, because they were
23 too violent.

24 Q. You --

25 A. Other times, not so.

1 Q. Were you a salaried employee?

2 A. Yes.

3 Q. How were your hours tracked?

4 A. Everybody knew when I was there.

5 Q. You didn't have a timecard or a sign-in
6 sheet or anything like that?

7 A. No. No.

8 Q. But you would have to sign in and out of
9 the prison, right?

10 A. No. They recognized me and I'd walk in.

11 Q. Oh, so they didn't keep time records of
12 people coming and going?

13 A. Oh, they did for everybody else, but good
14 lord, I was right across from the bubble and they
15 saw me every day. They knew who I was.

16 Q. How about records of your intake
17 interviews and other contact with inmates, would the
18 DOC have kept records of that? Were you required to
19 make records?

20 A. It was more my choice and I did make
21 records and I kept files.

22 Q. Did you take any of those files with you
23 when you left DOC?

24 A. No.

25 Q. Okay. So DOC would have records of all of

1 the contact that you --

2 A. No.

3 Q. No?

4 A. Because they closed that whole unit and
5 converted it over to a lower level of inmate, so I
6 don't -- then they disbursed all those high risk
7 back into general population, which was unwise in my
8 opinion, but anyway.

9 Q. The DOC would still have records, right?

10 A. Theoretically.

11 Q. Do you recall the name of any of the
12 corrections officers that you worked with while you
13 were at the --

14 A. Not anymore.

15 Q. -- program?

16 A. No.

17 Q. How about at Jackson?

18 A. No.

19 Q. Do you have any friends left over from
20 those days that you worked with, colleagues who you
21 worked with and became friends with?

22 A. Yeah.

23 Q. Who would that be?

24 A. Don Larzarki.

25 Q. Can you spell the last name for me.

1 A. L-A-R-Z-A-R-K-I out of Detroit.

2 Q. Anybody else who you recall?

3 A. Not really.

4 Q. Is there any other employment that we
5 haven't talked about it? We've got --

6 A. I --

7 Q. Go ahead.

8 A. No, go ahead.

9 Q. We've got the pharmacology lab at Michigan
10 State, right? Then we've got Sparrow Hospital, and
11 then we've got the L.A. County Medical Examiner's
12 Office, and then we've got Michigan Department of
13 Corrections and we've got Oklahoma State University.

14 Is there anything that -- any other
15 employment that we've left out?

16 A. I'm curious about your first mention.

17 What was the first one that you mentioned?

18 Q. The lab at the school of pharmacology at
19 Michigan State.

20 A. Okay. Fair enough.

21 Q. Did I get that wrong?

22 A. No, I thought I heard you say something
23 else.

24 Q. Okay. I also said Sparrow Hospital, but I
25 might have got those two reversed.

1 A. No, you didn't.

2 Q. Okay. So any other employment other
3 than -- and I've gone through your entire employment
4 history, have we gone through that?

5 A. I think so. I find it exhausting.

6 Q. Okay. Well, we're going to take a break
7 in just a minute. Ms. Schaffer asked if we could
8 take a break and get some food in I think about 20
9 minutes.

10 Am I right about that?

11 MS. SCHAFFER: Yeah. What do you think,
12 Richard, 20, 30 minutes?

13 A. Yeah, 20 minutes, I don't care.

14 Q. Did you do any side work or outside jobs
15 while you were employed by the Michigan DOC?

16 A. Yeah, I would take -- I would take leave
17 or vacation and go off to England or whatever and
18 lecture and work cases and come back.

19 Q. When you say work cases, what do you mean?

20 A. Well, if they have a complicated case that
21 they're trying to understand, then they would call
22 and sort of say "Can you come over and can you help
23 us out?"

24 Q. Okay. So who is they?

25 A. Scotland Yard amongst others, the

1 Metropolitan Police, and the Home Office.

2 Q. Who did you work with at Metropolitan
3 Police?

4 A. Some of the detectives involved in murder
5 and they may have other issues that they thought I
6 could help.

7 Q. Okay. What were the names of the
8 detectives who were involved in the --

9 A. I don't recall and -- I just don't recall.

10 Q. You don't recall any of the names of the
11 detectives that you worked with at Metropolitan
12 Police?

13 A. Nope.

14 Q. When you worked with Metropolitan Police,
15 where did you work?

16 A. What do you mean?

17 Q. What was the physical location.

18 A. The Metropolitan Police building.

19 Q. Which is -- what's the address there?

20 A. I have no idea.

21 Q. Do you have a town or suburb or --

22 A. It's London.

23 Q. Okay. What area of London?

24 A. I don't know, sir.

25 Q. East side, west side, north side, south

1 side? Do you know?

2 A. Nope.

3 Q. How many cases did you work on with
4 Metropolitan Police?

5 A. I don't recall.

6 Q. Do you recall the names of any of the
7 cases that you worked on for the Metropolitan
8 Police?

9 A. No.

10 Q. When was the last time you worked on a
11 case with the Metropolitan Police?

12 A. I think it was a cannibal case and I think
13 that was about -- no, there were things since. I
14 would be unfair to you if I gave you a time, because
15 I'm not sure and I don't want to misdirect.

16 Q. Okay. Do you recall the decade?

17 A. In the last ten years.

18 Q. Oh, okay.

19 A. Yeah.

20 Q. And who was your contact on that case?

21 A. I forgot his name, but eventually the case
22 was resolved, badly.

23 Q. Okay. So your contact was a him?

24 A. Yep.

25 Q. Approximately what was his age?

1 A. Everybody is younger than I am. He's
2 probably -- now, he's probably 50. I'm not being
3 evasive, I just don't remember his name.

4 Q. Do you recall his rank?

5 A. I want to say sergeant, but I can't
6 confirm that.

7 Q. Do you recall anyone else that worked on
8 that case?

9 A. No.

10 Q. When you referred to it as the cannibal
11 case, what was going on in that case?

12 A. The guy -- or the perp killed a guy and
13 took his brain and fried it in butter and ate it.

14 Q. Where did that happen?

15 A. In London.

16 Q. Which part of London?

17 A. I don't know.

18 Q. A single murder?

19 A. Yes.

20 Q. What was your role in the investigation?

21 A. To explain cannibalism to him, and no, I
22 don't want to explain it.

23 Q. So let's see, how did this person get
24 ahold of you?

25 A. They -- I'm not sure. Through contacts of

1 other people who recommended that they call me.

2 Q. And how did you correspond with the
3 person?

4 A. Telephone, and then in the meantime,
5 before it was all over, I was over and gave a
6 lecture which he attended and then I was supposed to
7 go back to explain to the court about all this and
8 the court then decided that it was too messy to hear
9 in court, so they then convicted him to a mental
10 institution and avoided the trial.

11 Q. What was the date of the lecture that you
12 gave?

13 A. I don't know.

14 Q. What was the title of the lecture?

15 A. It was all day long. It was a training
16 session.

17 Q. Where was it held?

18 A. In Leicester.

19 Q. And what was the name of the organization
20 that put it on?

21 A. I don't know. The Brits organized it.

22 Q. And were you presenting?

23 A. Yes.

24 Q. What did you present?

25 A. A cross lecture across a wide spectrum of

1 crime assessment and murder investigation.

2 Q. Was it you for the whole day or did you
3 just have one --

4 A. Yes, I was the whole day.

5 Q. Okay. Do you have any promotional
6 materials from that --

7 A. No.

8 Q. -- appearance?

9 A. No.

10 Q. Were you paid for that appearance?

11 A. I don't think so.

12 Q. Do you have any records from that
13 appearance?

14 A. No.

15 Q. Do you have any records from your work on
16 the cannibal case?

17 A. No.

18 Q. Were you paid for your work on the
19 cannibal case?

20 A. No. I should have charged them.

21 Q. How did you pay for your expenses,
22 traveling, accommodations and everything to England?

23 A. I can't remember. I'm sure somebody paid
24 for it, because I didn't.

25 Q. Do you have a particular airline that you

1 like to fly?

2 A. No.

3 Q. Other than the case that you referred to
4 as the cannibal case, what other cases did you work
5 on with the Metropolitan Police?

6 A. The others are privileged and I choose not
7 to discuss them.

8 Q. Who would be able to verify your work on
9 those cases without disclosing privilege?

10 A. No one.

11 Q. Who did you report to for your work on
12 these cases?

13 A. You're exhausting me with an unanswerable
14 question.

15 Q. Well, who was your contact for those
16 cases?

17 A. I'm not going to discuss it. I'm not
18 going to, no.

19 Q. Okay. I just want to be clear, you're
20 refusing to answer?

21 A. Yes.

22 Q. Where did any of those cases take place?
23 I understand you may be refusing to answer, but I
24 just need to have you say that for the record.

25 A. I refuse to answer.

1 MS. SCHAFFER: I'm also going to object.
2 I believe that's been asked and answered.

3 MR. LAUERSDORF: I asked him about where
4 the cannibalism case took place and he didn't know
5 the answer to that. Now I'm asking where were any
6 of the other cases that he worked on for the
7 Metropolitan Police took place.

8 Q. My understanding is that you're refusing
9 to answer.

10 Is that correct, Mr. Walter?

11 A. That's correct.

12 Q. So is my understanding correct that other
13 than the cannibal case that we've already talked
14 about, you're refusing to answer any questions about
15 casework or consulting work that you did with the
16 Metropolitan Police?

17 A. Correct.

18 Q. And the metropolitan police was in some
19 part of London, England?

20 A. Right. Yes.

21 Q. Okay. And then you said you did work for
22 Home Office?

23 A. Yes.

24 Q. How many cases have you worked on for Home
25 Office?

1 A. Same answer. I'm not going to respond.

2 Q. And just so my understanding is correct,
3 my understanding is that you're refusing to answer
4 any questions with regard to casework or consulting
5 work that you did with Home Office in -- somewhere
6 in England?

7 A. Yes.

8 Q. And then Scotland Yard, how many cases
9 have you worked on for Scotland Yard?

10 A. I refuse to respond.

11 Q. Even with regard to just the number of
12 cases?

13 A. Yep.

14 MS. SCHAFFER: Let me just state an
15 objection to all the line of questioning with regard
16 to Metro Police, Home Office and Scotland Yard. The
17 question is not relevant to the subject matter of
18 this litigation. I'll just state my objection for
19 the record.

20 Q. Just so my understanding is correct,
21 Mr. Walter, you're refusing to answer any questions
22 with regard to casework or consulting work that you
23 performed with or for Scotland Yard in England.

24 Is that right?

25 A. That's right. Right.

1 Q. Okay. Other than Home Office,
2 Metropolitan Police and Scotland Yard, did you do
3 any other side work or consulting work while you
4 were employed by Michigan DOC?

5 A. I'm refusing to answer any further
6 questions about employment.

7 Q. About your employment?

8 A. Yep. Yep.

9 Q. Okay. How about during your time with the
10 Los Angeles County Medical Examiner's Office, did
11 you do any consulting or side work while you were
12 employed by the Los Angeles County Medical
13 Examiner's Office?

14 A. Again, I'm refusing all discussion on
15 outside work.

16 Q. Okay. So let me make sure that I
17 understand what you're saying just so I can avoid a
18 bunch of unnecessary questions.

19 If my understanding is correct, you're
20 refusing to answer any questions regarding work or
21 employment outside of the history of employment that
22 we have already discussed.

23 Is that correct?

24 A. That's correct.

25 MS. SCHAFFER: Andy, is this a good time

1 to break for lunch if we're going to move on to a
2 different topic?

3 MR. LAUERSDORF: Yeah, let me ask one more
4 question, and I understand he's going to refuse to
5 answer, but I have to ask anyway.

6 Q. How were you employed in 2010?

7 MS. SCHAFFER: I'm sorry, can you repeat
8 the question.

9 Q. Yeah, how were you employed in 2010, the
10 year 2010?

11 MS. SCHAFFER: Lacks foundation; assumes
12 facts not in evidence.

13 You can answer if you can.

14 A. I'm not going to respond.

15 Q. Well, were you employed by anyone in 2010?
16 Were you on anyone's payroll?

17 A. To be quite frank, I don't remember, but
18 I'm going to assume not.

19 MR. LAUERSDORF: Okay. Sounds like a good
20 place to take a break.

21 THE WITNESS: Okay. Great.

22 MS. SCHAFFER: So how about a half an
23 hour, does that work for everyone?

24 MR. LAUERSDORF: Sounds good for me.

25 (Lunch recess taken: 11:52 - 12:30 p.m.)

1

2 BY MR. LAUERSDORF: (Continuing)

3 Q. Okay. Let's see, we were talking about
4 the metropolitan police, and other than the case
5 that you referred to as the cannibal case, what are
6 the other cases that you worked on or consulted on
7 for the Metropolitan Police?

8 A. I can't remember the name of the case per
9 se. In a park in Central London, a female victim
10 was murdered and stabbed 60 some times, et cetera.
11 There was a great deal of controversy over the whole
12 issue. Her -- she was brutally murdered and all
13 kinds of theories had popped up.

14 Then I was asked to review it. One did
15 and one had great discussions about it. Again, I
16 wish I could remember the name, but I can't. From
17 that, then, they realized that the primary suspect
18 at the time finally realized that he didn't do it
19 and it took them another year or so and they then on
20 their own discovered, thanks to DNA, the person who
21 actually did it who's now in jail serving time, so
22 that was a huge case in London. This was probably
23 ten years ago now.

24 Q. Who asked you to review it?

25 A. The Yard did, and I don't remember the

1 name of the detective.

2 Q. Scotland Yard did?

3 A. Yes.

4 Q. They asked you to review a case for
5 Metropolitan Police?

6 A. Yeah, and so I did, and Bob Wessler from
7 FBI also reviewed it and several other people. It
8 looked like a different person, however, then, there
9 was some deviltry in the police service that then
10 tried to manipulate and whatever else the primary
11 suspect at the time and we basically told him that
12 he was wrong.

13 Q. Who was that, who did you tell that he was
14 wrong?

15 A. The investigators who were working on the
16 case. I believe it was a particular individual who
17 was very suspicious.

18 Q. What was the investigator's name?

19 A. I don't know. I just mentioned that.

20 With that, then, eventually a year later,
21 they found out through DNA that the primary suspect
22 that they had had didn't match and then they found
23 out that somebody already in prison for another
24 murder had committed the crime, so it was a big deal
25 and people were punished over it who were craving a

1 boondoggle, so that's that case.

2 However, that said, you also asked me
3 about cases, other cases through the various
4 agencies, and I've been to London at least 20, 30
5 times.

6 Q. Okay. Lets break that down a little bit.

7 So on this last case that you're talking
8 about with the woman with the 60 stab wounds, you
9 don't know who the investigator was at Scotland Yard
10 that asked to you review it?

11 A. Right.

12 Q. But where did your work take place on the
13 case?

14 A. At the Metropolitan Police.

15 Q. At what location?

16 A. Right Downtown London.

17 Q. And who did you work with there?

18 A. I just told you, I don't remember.

19 Q. Well, I asked you before who asked you to
20 review it and you didn't remember.

21 A. Right.

22 Q. And I asked you who you worked with on the
23 case rather than who asked you to review it.

24 A. Right.

25 Q. You don't remember?

1 A. It's been a long time and I just don't
2 remember.

3 Q. What are the names of the folks you've
4 worked with at Scotland Yard in the past who have
5 asked you to review cases?

6 A. I'm trying to think. John -- I always
7 block on his name. He was the head of the
8 investigative unit there on homicides. We had long
9 conversations about it and the skullduggery that
10 went on about it.

11 Q. About what, the homicide unit or a
12 particular case?

13 A. The skullduggery on this particular case
14 that took place. They got a psychologist who then
15 set up a honey trap to entice him to -- for an
16 admission and the whole thing was framed and he was
17 convinced that that was the guy, so he thought it
18 was in his best interest to lie and misrepresent
19 before he got caught.

20 Q. What was the name of the psychologist?
21 What was the name -- oh, sorry.

22 A. I hear you.

23 Q. Okay.

24 A. I'm blocking on it. He didn't like me and
25 I didn't like him. He was afraid to meet me, so I

1 never got to meet him face to face, but he -- I know
2 he charged the Yard I think over 400,000 pounds for
3 his immoral and illegal work and -- Ron somebody.
4 At one time, he was relatively famous in England for
5 his work.

6 Q. Lon, L-O-N?

7 A. Ron, R-O-N.

8 Q. Oh, R-O-N.

9 Okay. And then you said John was the head
10 of homicide investigation?

11 A. Yeah, John. Yeah.

12 Q. And you don't recall his last name?

13 A. No.

14 Q. This was ten years ago, so around 2011?

15 A. At least, or maybe before, but I think
16 then.

17 Q. Other than John, who else have you worked
18 with at Scotland Yard?

19 A. A number of them. I work cases and I
20 don't -- at the time, I knew their names, but at the
21 time, I didn't care. Well, I cared, but it's gone
22 the way of -- into a pit. I just can't recall.

23 Q. So you don't recall the names of anyone
24 that you worked with at Scotland Yard other than
25 John?

1 A. Right. Right.

2 Q. Okay. How about Metropolitan Police, what
3 are the names of the folks that you worked with at
4 Metropolitan Police over the years?

5 A. Well, a number of various agencies there.
6 They hold these plaques and all that kind of crap,
7 but I really can't remember their names. I'm not
8 being obstructive, I just don't remember their
9 names. It's been a couple of years since I've seen
10 any of them.

11 Q. How about Home Office, how about anybody
12 that you worked with at Home Office?

13 A. I would if I heard their name, but at the
14 time the Home Office called me and asked me if --
15 they were the ones that asked me if I would look at
16 cannibal case and I said yes, so then I worked on
17 that, but I can't remember the guy who called me.
18 It's been a long time.

19 Q. Okay. Other than the -- other than the
20 cannibal case and the 60-stab-wound case what's
21 another case that you worked on for somebody at
22 Scotland Yard or Metropolitan Police or --

23 A. Outside of those agencies also are the
24 various counties, whatever you call them, a serial
25 rapist that we helped take down.

1 Q. Where was that?

2 A. Up in mid England. I don't remember
3 exactly. It's been a long time. I had no idea I'd
4 be asked these questions, so otherwise I would have
5 had the names or reviewed.

6 Q. Are they all on your resume?

7 A. No.

8 Q. But you're able to retrieve the names if
9 you had the opportunity?

10 A. I think I could maybe. I'm not sure. I
11 won't promise. I will promise that I will try.

12 Q. Okay. Do you have any records that you
13 worked on any cases for Scotland Yard?

14 A. No.

15 Q. Do you have records of any of your work on
16 cases with Metropolitan Police?

17 A. No.

18 Q. Do you have any records of any of your
19 work on cases with Home Office?

20 A. No. I don't keep records.

21 Q. Does that mean you had records at some
22 point and you destroyed them or you just don't keep
23 any records?

24 A. I don't keep any records.

25 Q. On any of your cases?

1 A. Rarely. Once in a while, I will.

2 Q. Did you make any records on the Freeman
3 investigation?

4 A. No.

5 Q. Okay. Other than what we talked about
6 with the Metropolitan Police, Scotland Yard and the
7 Home Office, did you do any other work for other
8 employers, side work, freelancing, while you were
9 employed with the Michigan Department of
10 Corrections?

11 A. Yes, often.

12 Q. With who?

13 A. Again, in Istanbul, Turkey, which was
14 problematic, but aside from that.

15 Q. Who did you work with in Turkey?

16 A. The Turkish-- the Istanbul Police. I gave
17 a lecture that was translated into Russian as well
18 as Turkish and I gave it in English.

19 Q. Who was your contact at the Istanbul
20 Police?

21 A. Oh, God. I'll never remember their names.
22 They're difficult to pronounce. I developed a bad
23 habit of not remembering names when I was working,
24 because I always knew -- I was interested in what
25 they were saying rather than their names per se and

1 I always had officers around me that could tell me
2 who they were after the fact if I forgot, but -- so
3 I'm not good at name recall. It's a bad habit
4 and -- that's it.

5 Q. When was the last time that you renewed
6 your passport?

7 A. Maybe a couple years ago.

8 Q. Do you have any of your old passports?

9 A. Yep.

10 Q. Those would show your travel to Istanbul
11 or England to work on these cases, right, so we'd be
12 able to put dates on things from there?

13 A. I can go back and look.

14 Q. Okay. I'd ask that you do that, and if
15 you have the passports, we'd ask for copies of that
16 and we'll send a request for production on that.

17 Other than Istanbul, Turkey, and the
18 case -- well, what kind of case did you consult on
19 in Istanbul?

20 (REQUEST FOR PRODUCTION)

21 A. Well, I lectured, and then I was
22 approached and told that on one side of the Bosphorus
23 which runs through Istanbul, that a group of men and
24 women had been slaughtered and that parts, then,
25 were taken from the men and put on the women and

1 vice-versa and all this kind of stuff, and then they
2 discovered on the opposite side of the Bosphorus the
3 same pattern, so there were about 12 to 15 deaths
4 there.

5 When I then asked about that, they went
6 into full denial and said that never happened and
7 they didn't have any bodies, they didn't have any
8 serial killers and whatever and so they were totally
9 uncooperative, so I then said "Well, it's good that
10 you heard the lecture, because you're young
11 detectives, and before your time is up in the police
12 service, certainly you'll run across one or two" and
13 you walk away from something like that.

14 Q. Okay. So wait a minute.

15 You give a lecture, somebody approached
16 you after the lecture, said that there had been
17 these murders, 12 to 15 murders?

18 A. Correct.

19 Q. And when you asked about those murders,
20 they told you that never happened?

21 A. Yep.

22 Q. And you don't recall who that person is?

23 A. It was one of the lieutenants in the
24 Turkish -- in the Istanbul Police.

25 Q. Do you recall approximately what age he

1 was?

2 A. I would say he was about 35.

3 Q. Do you recall what office he worked out
4 of?

5 A. No.

6 Q. Where in Istanbul was your presentation?

7 A. At the -- it's not the university, but
8 they have an old section in Istanbul, old government
9 offices, very quaint, and I was there also on an
10 independent national forensic conference, so the
11 conference was held in that area. I never met him
12 at his office. I met him at the -- at the
13 conference site.

14 Q. Okay. What was the organization that put
15 on the conference?

16 A. The International Association of Forensic
17 Scientists.

18 Q. And who was your contact for setting up
19 that speaking engagement?

20 A. I'm not sure. I know that the Turks
21 bought my ticket and put me up in a hotel, which was
22 not where I wanted to be, but aside from that, they
23 were paying for it and it was a big deal for them,
24 so they were primarily in charge of my time when I
25 was there, which I did not find that comfortable.

1 Q. Who did you go with?

2 A. I went alone. A lot of Americans were
3 there at the meeting.

4 Q. Which of your colleagues do you recall
5 being there for this meeting?

6 A. I'll think of it in a minute. She's the
7 head of the forensic nursing program at -- or he
8 started it.

9 Q. She's the head of the forensic nursing
10 program where?

11 A. Well, at -- through the academy. She
12 started the forensic nursing program.

13 Q. At AAFS?

14 A. Yep.

15 Q. You don't recall her name now?

16 A. I will.

17 Q. Do you recall any of your other colleagues
18 that you ran into there?

19 A. A lot of Americans were there. In fact --
20 I'm just blocking on it. I'll think of it. I'll
21 think of some.

22 Q. Okay.

23 A. I'll give them to you.

24 Q. You didn't happen to recall the other
25 fellow besides Dr. Gehring who was supervising you

1 at the pharmacology lab, did you?

2 A. It could be Jim Gibson.

3 Q. G-I-B-S-O-N?

4 A. Yeah, or something very similar to that.

5 Q. How about the names of the chief
6 psychiatrist or the assistant chief psychiatrist at
7 Jackson?

8 A. At what?

9 Q. At Jackson, the prison at Jackson.

10 A. There were two or three different
11 psychiatrists there.

12 Q. Do you recall the names of any of them?

13 A. No. I didn't approve of most of them.

14 Q. Okay. Other than Istanbul and England,
15 the cases we've talked about so far, did you do any
16 other side work while you were at Michigan DOJ?

17 A. China.

18 Q. Whereabouts in China?

19 A. Hong Kong.

20 Q. What did you do in Hong Kong?

21 A. I -- they wanted an opinion on a torso
22 that they found floating up in the water and --

23 Q. Whereabouts?

24 A. And I looked at it.

25 Q. Whereabouts did they find it?

1 A. Right on the dock in town.

2 Q. In the ocean?

3 A. Yes.

4 Q. That's a big town, which dock in town?

5 Whereabouts?

6 A. I have no idea.

7 Q. Who was your contact there?

8 A. Hong Kong Police.

9 Q. Do you recall the name of the person you
10 went through?

11 A. Oh, no.

12 Q. When was that?

13 A. In the 2000s sometime. I'm not sure when.

14 Q. What about your trip to Istanbul, when was
15 that?

16 A. I don't know. It would be on my resume.

17 Q. Okay. Have you been back to Istanbul more
18 than once?

19 A. No.

20 Q. How about Hong Kong, have you been to
21 Hong Kong more than once for work?

22 A. I've been to Hong Kong eight times, but I
23 have no intention of ever going again.

24 Q. Were all eight times for work?

25 A. Yep. In route to Australia.

1 Q. Also for work?

2 A. Oh, yeah.

3 Q. How many times have you actually done
4 casework or consulting work in Hong Kong?

5 A. In Hong Kong?

6 Q. Yeah.

7 A. Off the top of my head, I can think of two
8 or maybe three, but I found it to be a waste of my
9 time.

10 Q. Okay. What was the first case that you
11 worked on in Hong Kong?

12 A. I just mentioned that one.

13 Q. That was the one where they found a torso
14 in the water?

15 A. Right.

16 Q. And you don't know the names of anybody
17 that you worked with on that case?

18 A. No.

19 Q. And that was in the early 2000s?

20 A. I think so.

21 Q. Do you recall the agency that you worked
22 with?

23 A. Hong Kong Police.

24 Q. Do you remember which unit or which
25 location?

1 A. No.

2 Q. Do you remember the rank of anybody that
3 you worked with there?

4 A. There's a reasonably large structure of
5 lower and upper at any one time.

6 Q. Okay. So what does that mean?

7 A. It means that the bosses were there and
8 the foot soldiers were there.

9 Q. How did you communicate with them?

10 A. In English.

11 Q. Oh, okay, so they spoke English?

12 A. Some.

13 Q. But you don't recall any of their names?

14 A. No.

15 Q. Do you have any records from that?

16 A. Nope.

17 Q. Okay. What was the next case that you
18 worked on in Hong Kong?

19 A. I'm trying to remember what -- I'm sure
20 there was one, but I can't remember what it was.

21 Q. Do you recall when it was?

22 A. Nope.

23 Q. Do you recall who you worked with or who
24 asked you to get involved?

25 A. No. No.

1 Q. Okay. So you did two or three cases in
2 Hong Kong.

3 How many cases in Australia?

4 A. A lot. A major case in Wollongong.

5 Q. Can you spell that for me?

6 A. W-O-L-L-O-N-G-O-N-G.

7 Q. What kind of case was that?

8 A. A murder of a female, head cut off and
9 thrown down a bank.

10 Q. The head cut off and thrown down the bank
11 or the head cut off and the body thrown down the
12 bank?

13 A. Both.

14 Q. Who was your contact on that work?

15 A. Pat Ryan and her husband was also a
16 pathologist who's now dead, Ray Ryan.

17 Q. R-Y-A-N?

18 A. Yes.

19 Q. And Pat is short for what?

20 A. Patricia.

21 Q. And do you have contact information for
22 Patricia?

23 A. I probably do at home.

24 Q. What agency was Patricia with?

25 A. She was out of -- outside of -- outside

1 of -- between Sydney and Wollongong in some little
2 town.

3 Q. A local police agency or something?

4 A. Well, yeah, but they were both
5 international forensic pathologists, so they were
6 called in on the case who then contacted me.

7 Q. Who were they called in by?

8 A. Pardon?

9 Q. Who were they called in by?

10 A. I have no idea.

11 Q. What agency?

12 A. I have no idea.

13 Q. Where did your work on the case take
14 place?

15 A. Here.

16 Q. In the U.S.?

17 A. Yeah, they brought all the information
18 over and they came over to the American Academy and
19 I reviewed it and that was that.

20 Q. How many cases have you worked on or
21 consulted on actually in Australia?

22 A. I really don't know a number. I don't
23 remember any of the people that I worked with, but
24 they -- well, I did work with Sydney P.D. on a child
25 molestation ring that was going on that included the

1 takedown of a judge, and a Supreme Court judge, may
2 I add, and several other people that were running a
3 ring of homosexual deviance, so they asked me to
4 come and talk to the Royal Commission and explain
5 some of the evidence and asked questions and
6 eventually then the parties were deposed.

7 Q. What is the Royal Commission?

8 A. It's kind of like a grand jury for us.

9 Q. And when did you appear there?

10 A. It was probably prior to 2000. Right
11 around the 2000 period.

12 Q. Do you recall the name of the judge who
13 was deposed?

14 A. Nope.

15 Q. And you don't recall the names of any of
16 the officers or people that you worked with on that
17 case?

18 A. No.

19 Q. But the agency was Sydney P.D.?

20 A. Yep.

21 Q. And where did your work take place?

22 A. Well, I stayed in Sydney in a hotel and I
23 was invited to the Royal Commission and I went.

24 Q. What part of Sydney did you stay in?

25 A. I don't remember. I normally stayed at

1 the Sheraton.

2 Q. When you say you were invited to the Royal
3 Commission, was there some kind of formal process
4 for that, a subpoena or something?

5 A. No, you come. They showed up the next
6 morning at my door making sure I made it there on
7 time.

8 Q. Okay. Any other cases that you've worked
9 on in Australia?

10 A. There are, but I really don't remember
11 them at this point.

12 Q. Okay. Would all of these cases be listed
13 on your resume?

14 A. No.

15 Q. Why not?

16 A. It takes up too much space.

17 Q. So how do you decide which cases to list
18 on your resume and which to leave off?

19 A. My decision at the time when I get to the
20 resume and self recording, I decide whether I'm
21 going to include it or not.

22 Q. How often do you revise your resume?

23 A. Not very often. In fact, I've stopped
24 writing in it for the last two years, three.

25 Q. Okay. So other than Istanbul, England,

1 Hong Kong and Australia, were there any other places
2 internationally where you've worked casework or
3 consulting jobs?

4 A. At the moment, I can't think of any,
5 but -- there may have been, but I can't think of any
6 at the moment.

7 Q. Can you think of a name of any person who
8 you've worked with on a foreign criminal
9 investigation?

10 A. I'm thinking.

11 Q. Other than John and Pat Ryan and Ray Ryan.

12 A. Oh, Dick Sherpard, who's a forensic
13 pathologist who is in Liverpool, England.

14 Q. How do you spell his last name?

15 A. S-H-E-R-P-A-R-D.

16 Q. In Liverpool?

17 A. Yep.

18 Q. What agency is he with?

19 A. He was with several hospitals in London,
20 and then he moved to Liverpool.

21 Q. So he wasn't part of a criminal
22 investigation service?

23 A. Yeah, he was a pathologist for all the
24 murder cases.

25 Q. Oh, okay. I thought you said he was

1 employed by the hospitals.

2 A. No. No. No.

3 Q. Okay. So which agency was he with, then?

4 A. He was with some of the major hospitals
5 there that they also have forensic pathologists and
6 he was also a police worker, I believe.

7 Q. How many times have you worked with
8 Mr. Sherpard?

9 A. Numerous times. Sometimes we'd just talk
10 about it and sometimes he'd bring pictures and
11 sometimes I would be there and he would show me the
12 victim and we would talk about it and it was just
13 opinion and a certain amount of -- of what could or
14 could not be relevant to the investigation.

15 Q. Did you get paid for any of your work with
16 the Metropolitan Police?

17 A. No.

18 Q. How about with Home Office?

19 A. Oh, home -- no.

20 Q. Have you been paid or did you get paid for
21 any of your work with Scotland Yard?

22 A. No.

23 Q. Did you get paid for any of your work with
24 the Hong Kong Police?

25 A. No.

1 Q. Did you get paid for any of your work with
2 Istanbul Police?

3 A. No.

4 Q. Did you get paid for any of your work in
5 Australia?

6 A. No.

7 Q. Some have you been paid for any work
8 that -- any casework or consulting work that you've
9 done internationally?

10 A. Not that I can think of, no.

11 Q. How about reimbursement of expenses, have
12 you been reimbursed your expenses for any of your
13 work?

14 A. The only one -- well, that was an advance,
15 but the only one was from Turkey when they took me
16 from home to Turkey for that conference.

17 Q. Was that the International Association of
18 Forensic Scientists?

19 A. Right.

20 Q. That wasn't actually paid for by the
21 Turkish government or police, that was paid for by
22 the organization, right?

23 A. Whatever.

24 Q. Well, is that right or not right?

25 A. Say it again.

1 What did you say?

2 Q. That wasn't paid for by the Turkish police
3 or government, it was paid for by the organization,
4 the International Association of Forensic --

5 A. No, that wasn't paid for by the Turkish
6 government. I could be wrong, though. I could be
7 wrong.

8 Q. Okay. Other than that expense by the
9 Turkish government, you don't think any of your
10 other expenses have been reimbursed in any of your
11 international work?

12 A. Right. What they do is give you a good
13 education.

14 Q. Have you published papers or treatises on
15 any of your international work?

16 A. Rarely.

17 Q. Okay. Tell me about the papers you've
18 published on your international work.

19 A. I published in what's call the Police
20 Surgeon's Manual about four or five studies or
21 comments or cases or whatever.

22 Q. Okay. Where is the Police Surgeon's
23 Manual published?

24 A. It's not anymore and it's a defunct
25 organization now. They combined with another group,

1 so they're no longer available.

2 Q. So do you have copies of the articles that
3 you published there?

4 A. Yep.

5 Q. Yes?

6 A. Yes.

7 Q. I'll ask that you produce those, so that's
8 a request for production for that.

9 Any other publications related to any
10 other published accounts of your international work?

11 (REQUEST FOR PRODUCTION)

12 A. No.

13 Q. Are those articles that you published in
14 the Police Surgeon's Manual, are those about your
15 international work?

16 A. Not necessarily. They also included
17 American cases.

18 Q. Okay.

19 A. I'm not leaving the room. I'm just going
20 to stand up for a bit. My butt is sore.

21 Q. That's okay.

22 Do you want to take a break?

23 A. No, I'm good.

24 Q. Okay. Lets talk about the Vidocq Society
25 a little bit.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

1 Q. How was the Vidocq Society funded while
2 you were there?

3 MS. SCHAFFER: I'm going to object that it
4 calls for speculation.

5 Answer only if you know.

6 I also want to just object to the question
7 that it's outside of the purview of Mr. Walter as a
8 witness and more appropriate for a corporate
9 designee of Vidocq Society to answer.

10 Q. Go ahead and answer if you can.

11 A. Pardon?

12 MS. SCHAFFER: You can answer the question
13 if you can if you understand it and if you know.

14 A. Primarily it was through dues.
15 Periodically people would donate money, but the
16 majority, my understanding is, came from the dues of
17 the members.

18 (Exhibit No. 1 marked.)

19 Q. And I'm going to show you what's been
20 marked -- or what -- yeah what's been marked as
21 Exhb. 1. Can you see what's on the screen in front
22 of you?

23 A. The Vidocq Society.

24 Q. I'll represent that this is a screenshot
25 from the Vidocq Society web page of

1 www.vidocq/about. This screenshot was captured
2 yesterday, June 29th, 2022.

3 Was there a commissioner position at the
4 Vidocq Society in 2010?

5 A. Yes, Bill Fleisher.

6 Q. Has there ever been more than one
7 commissioner?

8 A. They have a different commissioner now,
9 which is Ben Redmond.

10 Q. And what was the commissioner's role at
11 Vidocq Society in 2010?

12 A. The same as the CEO of a company. They
13 try to maximize the efficiency of the intended
14 purpose for the organization in the first place.

15 Q. So Mr. Fleisher would be responsible for
16 the day-to-day operations of the Vidocq Society in
17 2010?

18 A. Yes.

19 Q. When was the last time that you spoke with
20 Mr. Fleisher?

21 A. About two months ago.

22 Q. Have you ever spoken to him about this
23 case?

24 A. No, I don't think so.

25 Q. Where is he living now?

1 A. He lives in New Jersey, Cherry Hill,
2 New Jersey.

3 Q. Do you have a phone number for him?

4 A. I don't on me, no.

5 Q. Do you have access to a phone number for
6 him?

7 A. You could call the Vidocq Society and they
8 could give you a telephone number for him.

9 Q. I actually can't call the Vidocq Society.

10 A. Oh.

11 Q. Okay. So who was the commissioner when
12 you left?

13 A. Will, Will Fleisher.

14 Q. Was he the person that accepted your
15 resignation?

16 A. I'm not sure he accepted it, but he dealt
17 with it.

18 Q. Okay. Was there a deputy commissioner and
19 a chairman of the board in 2010?

20 A. Yes. I don't remember who it was I don't
21 remember off the top of my head.

22 Q. But it wasn't Howard Lebofsky?

23 A. No. No. I think it was -- Ben Redmond
24 was deputy.

25 Q. And he is now commissioner?

1 A. Yeah, because Bill -- Bill had some health
2 issues and whatever else and felt it was time that
3 he step aside, so he then accepted sort of an
4 emeritus status and Howard -- not Howard, but Ben
5 then took over.

6 Q. Okay. What does the deputy commissioner
7 and chairman of the board do? What's his role?

8 A. Follow up. Bill was a strong leader, so
9 generally the deputy commissioner was in league with
10 the commissioner.

11 Q. Then in 2007, was there a deputy
12 commissioner and case manager?

13 A. Yes.

14 Q. Who would that have been?

15 A. That was Fred Bornhofen, who's now dead.

16 Q. He was somebody that you mentioned
17 earlier.

18 Is that right?

19 A. Right.

20 Q. And what was the role of the case manager
21 at Vidocq in 2010?

22 A. Departments would contact him to see if
23 they could present at Vidocq and he would then
24 review and then contact them if they were approved
25 and then he'd arrange for them to be at a meeting.

1 Vidocq then would pay for their flight of two
2 detectives to Philadelphia, they would water, house
3 and feed them, and then they would present a
4 presentation to the Vidocq Society, and then, as we
5 discussed before, sometimes I would take them -- not
6 always, but take them with others including Lebofsky
7 would go along at night, take them out to dinner and
8 have a discussion of the case that they had
9 presented and then they would go home.

10 Q. What were the -- in 2010, what were the
11 annual dues for the Vidocq Society?

12 A. I don't recall off the top of my head at
13 the moment.

14 Q. But the annual dues were enough to bring
15 people in, pay for their flights?

16 A. Well, earlier financial issues, we once
17 had a treasurer who was very efficient at keeping
18 the coffers full and would get donations and raise
19 money to keep the coffers adequate. Since that
20 time, that policy has dissipated, so I don't know
21 their current financial status.

22 I know that they still pay a lot of money
23 to the -- what's that organization -- anyway, for
24 their meeting spots and all that kind of stuff.
25 I've wondered also about this, but I'm not the best

1 person to answer that question.

2 Q. So as far as the case manager goes, would
3 all of the cases that came into Vidocq for review be
4 routed through that person?

5 A. Right.

6 Q. So Fred Bornhofen would have had to sign
7 off on the Freeman investigation?

8 A. Right.

9 Q. And he would have been an essential point
10 of contact for the Coquille Police Department or
11 whoever was presenting?

12 A. Yes.

13 Q. And how long ago did you say he passed?

14 A. Three or four years ago, maybe five, but I
15 think probably three.

16 Q. Are you familiar with Mr. Bornhofen's
17 process for how he brought cases in and evaluated
18 them before signing off on them?

19 A. In brief, it was that they had to be cold
20 for at least two years, the case had to be, and
21 generally they did not take drug cases and they
22 required to get some kind of a prediscussion of what
23 the case was about and see if it met standards that
24 somehow had been established, and from that, we
25 would then decide yes or no.

1 Q. And if you decided yes, then he would fly
2 the folks out for a presentation?

3 A. Exactly.

4 Q. What do you know about the prediscussion
5 that would take place, what was involved in that?

6 A. What did he say?

7 What did you say?

8 Q. What do you know about the prediscussion
9 that would take place, what was involved in that?

10 A. Well, you would want to know what the case
11 was about and what the problems were and something
12 along those lines and whether it would meet some of
13 the talents that were in the room, okay?

14 Q. Did you have to do any investigation or
15 initial investigation of the case before a --

16 MS. SCHAFFER: Calls for speculation.

17 A. Not to my knowledge.

18 Q. And how about this secretary and case
19 manager, did that position exist in 2010?

20 A. I don't know. I don't believe -- I don't
21 recall this person.

22 Q. Okay. But do you recall the position,
23 secretary and case manager?

24 A. No, no.

25 Q. Do you recall who was on the board of

1 directors in 2010?

2 A. Generally, yes.

3 Q. And who would that be?

4 A. Well, you have up there Adamson, who I
5 don't know well. I certainly know Barbara Cohan.

6 Q. This was a snapshot taken yesterday.

7 A. Right.

8 Q. Were they on the board of directors back
9 in 2010?

10 A. Barbara certainly was.

11 Q. Okay. Do you know if Edgar Adamson was?

12 A. I think he was back then. I don't know if
13 he is now or not.

14 Q. Okay. How about Edward Gaughan?

15 A. He's still on the board.

16 Q. Was he on the board in 2010?

17 A. Yes.

18 Q. How about Thomas McAndrew?

19 A. He wasn't then, no.

20 Q. How about Christopher McMullen?

21 A. I don't know him.

22 Q. Do you know who had those other two board
23 seats in 2010?

24 A. I can't speculate on it. I'll answer no.

25 Q. Do you know how many board seats there

1 were at Vidocq Society in 2010?

2 A. I don't remember actually, so I'll have to
3 say no.

4 Q. How about the position of chief science
5 office or officer, was that a position at the Vidocq
6 Society in 2010?

7 A. Not in '10, I don't think. Fred Rieders
8 was a member, but not on the board at that time to
9 my knowledge.

10 Q. Was the position of chief science officer
11 a position on the board when you left in 2016?

12 A. Donaldson has left, and Stephenson, by
13 this, is still on the board.

14 Q. With regard to Exhb. 1, I'm asking about
15 this position here, the chief science officer.

16 A. Oh, right.

17 Q. Was that a position at Vidocq Society --

18 A. I don't believe so.

19 Q. -- when you left in 2016?

20 A. I don't believe so.

21 Q. Okay. How about this position, Public
22 Affairs Officers, was that a position -- was that an
23 officer position at Vidocq Society in 2010?

24 A. I don't recognize Walter Hunter. I do
25 recognize Tenuto.

1 Q. Do you recall that as a position in 2016,
2 Public Affairs Officers?

3 A. Yes.

4 Q. And was that an officer position in 2010?

5 A. I believe so.

6 Q. What was your understanding of public
7 affairs officers, what that position did for Vidocq
8 Society?

9 A. Well, when people had questions or
10 whatever else, or on TV, people may call and want to
11 tell or other people would want to come and attend
12 and write books or whatever else, so they would
13 steer them to or away from access.

14 Q. Okay. So for example, if ABC's 20/20
15 wanted to meet with a member of Vidocq Society about
16 an open case investigation, would the Public Affairs
17 Officers get involved in that?

18 A. Yes. They would contact them and then
19 they would then contact the board.

20 Q. Okay. So were any of these gentlemen
21 involved in the decision for you to participate with
22 ABC 20/20 in the Freeman investigation?

23 MS. SCHAFFER: I'm going to object that it
24 lacks foundation and calls for speculation.

25 A. Yeah, I'm not sure. I think he was, but I

1 can't say.

2 Q. You think Mr. Tenuto was?

3 A. Right, but I can't say.

4 Q. How about this committee, Case Analysis
5 and Investigation Committee, do you recognize that
6 as a committee that existed in Vidocq Society in
7 2010?

8 A. It was covert and it was hidden from me
9 and I disapprove of the person and I disapprove of
10 the committee.

11 Q. Okay. But was that a committee that
12 existed at Vidocq Society in 2010?

13 A. It was secret, I believe. I didn't know
14 about it at the time.

15 Q. You did not know about it at the time?

16 A. No. It was kept from me.

17 Q. Do you know why it was kept from you?

18 A. Yeah, because --

19 MS. SCHAFFER: Calls for speculation.

20 A. Because it was wrong.

21 Q. Because it was wrong?

22 A. Uh-huh.

23 Q. Why was it wrong?

24 A. Well, again, I won't divide it -- I
25 disagreed with the whole idea of it and I felt that

1 it was dragging Vidocq down.

2 Q. The Case Analysis and Investigation
3 Committee?

4 A. Right.

5 Q. What were they doing that you thought was
6 dragging Vidocq down?

7 A. I think they were loose with information.

8 Q. Does that mean dishonest?

9 A. Yes.

10 Q. Was Dr. Schroeder a member of Vidocq
11 Society in 2010?

12 A. Yes.

13 Q. Why did you come to the opinion that the
14 Case Analysis and Investigation Committee was
15 dishonest?

16 A. I'm not prepared to go there.

17 Q. Okay. Well --

18 A. That's one of the things that's a sticking
19 point.

20 Q. Okay. So are you refusing to answer the
21 question?

22 A. I'm willing to say that my opinion is
23 speculative and it should not be assumed to be true.

24 Q. Okay.

25 A. However -- however, I believe -- I

1 personally believe that it is true.

2 Q. Okay. So what is your opinion?

3 A. My opinion is that Vidocq has chosen to
4 keep Schroeder.

5 Q. To keep what?

6 A. To keep Schroeder.

7 Q. I can't understand what you're saying,
8 Vidocq --

9 A. Has chosen to keep Schroeder in that
10 position.

11 Q. Oh, and you feel that Schroeder should be
12 removed from that position?

13 A. Yes.

14 Q. Why do you believe Schroeder should be
15 removed from that position?

16 A. I don't trust him.

17 Q. And why don't you trust him?

18 A. I really don't want to get into the weeds
19 with this. It gets -- it gets too messy.

20 Q. Well, I have to ask you the question and I
21 appreciate --

22 A. I think if you sneak around about things,
23 it's suspicious, and I found him many times sneaking
24 around stuff I found out later and I don't approve
25 of that. Even if he was right, I still don't

1 approve of the technique.

2 Q. Okay. So give me an example of when you
3 found out that he was sneaking around about
4 something.

5 A. He would try and sit next to me and find
6 out about cases and this and that and everything
7 else, he knew better than to contact the police
8 after the fact and gain more information, but he was
9 doing that, and he hid it from me and the other
10 people that would have challenged him, and so I --
11 and he wanted to be important, which is fine, I
12 guess, but not at the risk of the credibility of
13 Vidocq.

14 Q. So was it a matter of him interfering in
15 your cases?

16 A. No, interfering with Vidocq's cases.

17 Q. Okay. As a member of Vidocq, how was he
18 interfering in Vidocq's cases?

19 A. Because he was acting outside the protocol
20 for being a member.

21 Q. Is that a written protocol?

22 A. I'm going to refer to as she said earlier
23 to people who are currently involved in the whole
24 scheme -- Bill Fleisher or whoever else, what the
25 scheme of what the rules were back then and what

1 they are today, okay? I think they find acceptable
2 today what I found unacceptable back then.

3 Q. So as of 2010, were you aware of a
4 protocol for being -- a written protocol for being a
5 member of Vidocq Society?

6 A. I believe there was. I'm not prepared to
7 discuss it. Others who know more about it are the
8 best evidence.

9 Q. But you believe there was written protocol
10 for membership in Vidocq Society?

11 A. I believe there was.

12 Q. Where would that be kept?

13 A. I don't know at this point.

14 Q. Do you recall if -- let's see, I'm just
15 going to go down a list of names.

16 Was Benjamin Redmond a member of the
17 Vidocq Society in 2010?

18 A. Yes.

19 Q. Was he present when the Freeman case was
20 presented to Vidocq Society?

21 A. He was there, yes.

22 Q. Do you recall whether he was there or not?

23 A. I don't know.

24 Q. Were you there when the Freeman case was
25 presented to Vidocq Society?

1 A. Yes.

2 Q. But you don't recall if Mr. Redmond was?

3 A. Correct. There was a room full of people.

4 Q. How about Mr. Fleisher, was he a member in
5 2010?

6 A. Yes.

7 Q. And was he present when the Freeman case
8 was presented?

9 A. I don't know.

10 Q. How about Mr. Lebofsky, was he a member in
11 2010?

12 A. Yes.

13 Q. Do you recall if he was present when the
14 Freeman case was presented?

15 A. I don't know.

16 Q. How about Mr. Gill, was he a member in
17 2010?

18 A. Yes.

19 Q. Do you recall if he was present when the
20 Freeman case was presented?

21 A. I do not remember.

22 Q. All right. How about Heather Hines, was
23 she a member in 2010?

24 A. I don't know her.

25 Q. How about Carey E.G. Galvin, was he or she

1 a member in 2010?

2 A. I don't know them.

3 Q. How about Edgar Adamson, was he a member
4 of Vidocq Society in 2010?

5 A. I believe so. I'm not sure, but I believe
6 so.

7 Q. And do you recall if he was present when
8 the Freeman case was presented to Vidocq Society?

9 A. No.

10 Q. What about -- you don't recall or he
11 wasn't present?

12 A. I don't recall.

13 Q. How about Barbara J. Cohan-Saavedra, was
14 she a member of Vidocq Society in 2010?

15 A. Yes.

16 Q. Do you recall if she was present when the
17 Freeman case was presented?

18 A. I don't know.

19 Q. How about Edward Gaughan, was he a member
20 of Vidocq Society in 2010?

21 A. Yes.

22 Q. Do you recall if he was present when the
23 Freeman case was presented to the Vidocq Society?

24 A. No.

25 Q. No, you don't recall, or no, he wasn't

1 there?

2 A. I don't recall.

3 Q. How about Thomas McAndrew, was he a member
4 of the Vidocq Society in 2010?

5 A. No.

6 Q. How about Christopher McMullen, was he a
7 member of Vidocq Society in 2010?

8 A. I don't remember him.

9 Q. How about Frank A. Mayer, was he a member
10 of Vidocq Society in 2010?

11 A. Yes.

12 Q. Do you recall if he was present when the
13 Freeman case was presented to Vidocq Society?

14 A. I don't recall.

15 Q. How about M. Fredric Rieders, was he a
16 member of the Vidocq Society in 2010?

17 A. Yes.

18 Q. Do you recall if he was present when the
19 Freeman case was presented to Vidocq Society?

20 A. I don't remember.

21 Q. How about Walter B. Donaldson II, was he a
22 member of the Vidocq Society in 2010?

23 A. I'm not sure. He resigned right around
24 that time, I recall.

25 Q. Do you know why he resigned?

1 A. I'm not sure.

2 Q. Did you have any conversations with him
3 about that?

4 A. No.

5 Q. How about Peter R. Stephenson, was he a
6 member of Vidocq Society in 2010?

7 A. I'm not sure.

8 Q. How about Walter E. Hunter III, was he a
9 member of Vidocq Society in 2010?

10 A. I don't know him.

11 Q. How about Edward A. Tenuto, I think you
12 already mentioned that he was a member in 2010.

13 Is that right?

14 A. Right.

15 Q. Do you recall if he was present when the
16 Freeman case was presented to Vidocq Society?

17 A. I don't know.

18 Q. Was Dr. Schroeder present -- or was
19 Dr. Schroeder a member of the Vidocq Society in
20 2010?

21 A. Could have been. I'm not sure.

22 Q. Okay. Edward Gaughan, I think we
23 mentioned.

24 So this name up here is spelled

25 G-A-U-G-H-A-N, and this name down here is spelled

1 G-A-U-G-A-N.

2 Are these two different people or the same
3 person?

4 A. It sounds like the same person. The first
5 one is the correct spelling.

6 Q. Okay. These people we've talked about,
7 okay.

8 Okay. What is the Sherry Black
9 Foundation?

10 A. The Sherry Black Foundation was created by
11 Sherry Black's daughter who is Heidi Miller of the
12 Miller Foundation out of Salt Lake City. She was
13 viciously murdered and they reached out to Vidocq
14 and asked for help and we tried and tried and went
15 out and this and that, and eventually my old
16 friend/expert and I had been going out and educating
17 the original police department on the case and they
18 were absolutely incompetent, and so then we went and
19 lectured again and told them that the killer would
20 probably be around the age of 19 and that he would
21 be within two or three city blocks from the
22 residence and whatever else. There was much more to
23 the case, but aside from that, that's the
24 significant bit.

25 More time went by, and eventually, then,

1 thanks to -- what's the DNA, you know, where they --
2 oh, Ancestry.com, they then found a relative,
3 eventually they found the guy.

4 Heidi Miller called me and said --
5 actually about last year, called me and said
6 "Richard, guess what?" and I said "What?" and she
7 said "They caught him!" and I said "Really?" I said
8 "Great." I said, "I just have to ask, how old was
9 he at the time?"

10 "He was 19," said she, and I said "Where
11 did he live?" and she said "Two blocks away," and
12 so -- but in the meantime, they then decided -- and
13 they're an extremely wealthy family, they decided to
14 underwrite programs for law enforcement where they
15 would come and have a three-day presentation by
16 Patrick Zirpoli and myself, and then an extra day to
17 bring their cases and we would help them with their
18 cases, and it was very successful until the
19 pandemic, and then everything went flat, so now
20 they're just starting to get going again, but in the
21 meantime, we probably educated not only in Utah, but
22 in Tennessee and other places, we've educated
23 probably 2,000 cops or more, and the Miller
24 Foundation have funded that to make it easier.

25 I think it costs something like \$50 to

1 \$100 for three days of lecture that other people
2 were charging, you know, outrageous amounts. It has
3 resulted in at least, maybe more, but I know of at
4 least four murderers being caught that would not
5 have been.

6 So they're providing a real community
7 service and I think very well of them and they pay
8 us and they pay us well at \$1,000 a day, and from
9 that, we're now in contact again and we're getting
10 ready to start up and do more teaching almost
11 pro bono for the agencies.

12 Q. Let me slow you down for a second.

13 It wasn't clear from your answer who was
14 actually murdered, was it Sherry Black?

15 A. Yes.

16 Q. And Heidi Miller is Sherry Black's
17 daughter?

18 A. Yes.

19 Q. And Heidi Miller set up the Sherry Black
20 Foundation?

21 A. Yes.

22 Q. And that is funded by a foundation called
23 the Miller Foundation?

24 A. Yes, and she's a Miller, she and her
25 husband.

1 Q. And who runs the Sherry Black Foundation?
2 Who's responsible for the day-to-day operation?

3 A. They have a manager, but I think that's
4 going to be changing very soon. The last one did
5 well, but we want more action from that and Heidi
6 and her daughter and whoever else are paying close
7 attention to it and they're keen on getting back and
8 giving back to the community, the kind of law
9 enforcement teaching and investigation that they
10 need and not just rely on DNA.

11 Q. When was that foundation set up?

12 MS. SCHAFFER: Calls for speculation.

13 You can answer if you know.

14 A. I don't know the exact date, the exact
15 year. I think it was about '17.

16 Q. When did you join?

17 A. Right at the beginning.

18 Q. And where is it located, in Utah?

19 A. Yeah, Salt Lake City.

20 Q. And what's your role with the foundation?

21 A. My buddy Patrick Zirpoli and I teach crime
22 assessment, lots of illustrations, lots of
23 questions, all that kind of stuff, and it's proven
24 to be successful.

25 Q. And does it take on cases the same way

1 Vidocq does?

2 A. Vidocq is much freer. Vidocq is pro bono.

3 Q. Okay. Like how does the Sherry Black
4 Foundation -- so does the Sherry Black Foundation
5 take on cold cases?

6 A. Oh, yeah.

7 Q. And how does it screen those cases?

8 MS. SCHAFFER: Objection; calls for
9 speculation.

10 You can answer if you know.

11 A. They screen through us and ask us in terms
12 of are the cases for their -- we really want to
13 educate the whole crowd, but for the cold cases that
14 want attention, then we screen them for efficiency
15 and productivity and success and all that kind of
16 stuff and then we get back and let them know and
17 then they bring their cases -- those people bring
18 their cases for us to help on the fourth day.

19 Q. So the same process that Vidocq used?

20 A. Exactly.

21 Q. Okay. And who is Patrick Zirpoli?

22 A. He was the head of the Pennsylvania State
23 Police Crime Unit.

24 Q. How long have you known him?

25 A. Years.

1 Q. Ten years, twenty years?

2 A. Probably 15.

3 Q. Why did you decide to partner with him?

4 A. Because he's smart and he's good.

5 Q. Was he a member of Vidocq Society?

6 A. He was until he resigned almost exactly
7 the same minute that I did.

11 Q. And how many cases have you worked on as a
12 representative of the Sherry Black Foundation?

13 A. Oh, I don't know. A lot. A lot. A lot.

14 Q. More than 50?

15 A. Probably.

16 Q. More than 100?

17 A. I think probably less than 100, but more
18 than 50.

19 Q. How many cases are you currently working
20 on as a representative of the Sherry Black
21 Foundation?

22 A. Well, since we've been shut down because
23 of the pandemic, it's gone basically to zero, but we
24 still have cases in the wings that we want to revive
25 and get back to.

1 Q. How many cases -- I think you mentioned
2 four that you could think of off the top of your
3 head.

4 How many cases have you solved while
5 working with the Sherry Black Foundation?

6 A. We don't know. They don't always get back
7 to us with their success rate.

8 Q. But you did say you knew of four off the
9 top of your head?

10 A. Yep.

11 Q. What are those four?

12 A. Sherry Black is one, and then three of
13 them out of -- out of Idaho, three bad guys.

14 Q. What are the names of those cases?

15 A. I have no idea.

16 Q. Do you know the facts or circumstances or
17 who the contact is on those cases?

18 A. My buddy Patrick would, but -- I don't
19 have them.

20 Q. When you say you solved the Sherry Black
21 case, I got the impression from what you were saying
22 earlier that Heidi Miller kind of called you out of
23 the blue and said "Hey, guess what? They caught
24 him."

25 Explain to me how you solved it.

1 A. Well, I didn't mean to say -- if I did say
2 it, I didn't mean to say that we solved it, okay?

3 Q. Okay.

4 A. What I said was that we gave them some
5 primary evidence as to where to look, et cetera, and
6 they apparently didn't do it, okay? They missed,
7 then, the critical points along the way.

8 What actually solved it was the DNA search
9 and then when they caught the guy, he confessed, et
10 cetera, et cetera, et cetera. What I said was, I
11 was trying to validate or explain the fact that they
12 could have solved it probably ten years earlier had
13 they paid attention and gone out and did the work
14 when we told them where to be looking.

15 Q. Well, this is one of the situations where
16 they came to you and presented a case to you asking
17 for your help and then you gave them this
18 information and they just ignored it?

19 A. Yes.

20 Q. Does that happen frequently?

21 A. Out there, it does.

22 Q. Out in Utah?

23 A. Eventually the case was taken away from
24 that police department and turned over to the
25 sheriff's department and that's where it was solved.

1 Q. Who was the original police department?

2 A. I -- oh, what do they call it. South
3 Salt Lake Police Department. It a separate police
4 department on the south side of Salt Lake.

5 Q. And do you know who you worked with on
6 that agency on that case?

7 A. Well, the chief finally changed. All I
8 know is that they didn't pay any attention. They
9 were looking for a black guy and they thought all
10 people with a black gene were going to appear black.
11 Wrong, they can appear white also and they can
12 appear mulatto, so therefore, they -- based on their
13 prejudice, they then did a bad job.

14 Q. What was your specific role in solving any
15 of the three Idaho cases that you mentioned?

16 A. They came to us at the meetings and
17 explained the case and Zirpoli and I both looked at
18 it and said have you looked at this and this and
19 this case, have you done this and done that? And
20 they said no, so they went back, they tried, and
21 some of their own intellect also came into it, and
22 from that, they got on the right -- they got on the
23 right trail and followed it down and got them.

24 Q. What specific advice did you give them?

25 A. I don't remember at the moment.

1 Q. Okay. What is the Templar Group?

2 A. That was a short-lived group started by a
3 mutual friend of Zirpoli's and mine, a private
4 investigative agency, and so talked us into doing
5 it, but then realized it was not my cup of tea or
6 Zirpoli's, so it fell apart quickly.

7 Q. Is that around the time that you changed
8 your private investigator's license?

9 A. Yes. I was very disappointed and
10 disgusted by the whole venture.

11 Q. Were you still a member of the Vidocq
12 Society at the time?

13 A. Yes.

14 Q. Who started up the Templar Group?

15 A. A guy by the name of Steve Stoud.

16 Q. Steve Stoud, S-T-O-U-D?

17 A. Yes, who was a former Pennsylvania State
18 Police who preceded Zirpoli as the head of the crime
19 unit.

20 Q. I have the same Robert Stoud associated
21 with --

22 A. Same.

23 Q. Is that the same guy?

24 A. Yeah. Yeah.

25 Q. Okay. And the purpose was it was supposed

1 to be a private investigator agency?

2 A. Right.

3 Q. Who is Anthony Manetta?

4 A. He is -- I don't know if he's still there,
5 but he was -- last I learned, I think he was a
6 lieutenant with the Pennsylvania State Police.

7 Q. What's his approximate age?

8 A. He should be around 40 right now.

9 Q. When's the last time that you had any
10 contact with Mr. Manetta?

11 A. It's been a long time.

12 Q. How about James C. Ford, who's that?

13 A. It's one of Steve's friends that I don't
14 know that I've met. Maybe I have, but I wouldn't
15 know him if I saw him.

16 Q. Okay. What is Steve Stoud's approximate
17 age?

18 A. Probably pushing 50.

19 Q. And when's the last time that you talked
20 to him?

21 A. Well, he stopped by my house and I was
22 busy with something else and I just told him that I
23 couldn't see him at that time, and so he left, and I
24 heard he was trying to get ahold of me and I don't
25 care if I do.

1 Q. Okay. Why is that?

2 A. I think he's a user of people.

3 Q. Okay. Do you feel that he used you?

4 A. Yes.

5 Q. How so?

6 A. He asked me what I thought and he'd go
7 back and pretend it was his.

8 Q. How was the Templar Group funded?

9 A. By -- we each put in -- I can't remember
10 how much we each put in. We each put in a lot of
11 money and it was worth it to get out.

12 Q. So did you have to forfeit your
13 contribution?

14 A. Yep.

15 Q. Were you compensated at all? Did you make
16 any money off the Templar Group?

17 A. Not a dime.

18 Q. What was your role, just a private
19 investigator?

20 A. Yeah. I'm not a gumshoe running out up
21 and down streets. I'm an old man.

22 Q. What is located at 1879 Chenango Street in
23 Montrose, Pennsylvania?

24 A. I own a house there.

25 Q. And what is located at 148 Spruce Swamp

1 Road in Milanville, Pennsylvania?

2 A. That's where Patrick Zirpoli lives.

3 Q. Do you know why the business was set up
4 with all of the members' addresses listed as your
5 address?

6 A. Pardon?

7 Q. Do you know why the business was set up
8 with all of the partners' addresses listed as your
9 address?

10 A. No, I was not aware of that.

11 Q. How many cases did you work on as a
12 partner in the Templar Group?

13 A. None.

14 Q. What is the Omega Crime Assessment Group?

15 A. It's a group that I started years and
16 years and years ago as an independent, and then it
17 went by the wayside.

18 Q. Who set that up, you?

19 A. Yes.

20 Q. Why was it set up? What was it for?

21 A. I thought it might be a way to make
22 contact with others and I found out that it was more
23 of a nuisance than a blessing.

24 Q. How so?

25 A. Well, if you haven't figured it out by

1 now, in my world, it can be extremely competitive
2 and a lot of people will cut your throat at the
3 easiest point that they can, and so I was getting a
4 lot of unnecessary garbage that I didn't want to put
5 up with, so I stopped all that.

6 Q. Who is Barbara Dunn?

7 A. Barbara Dunn is the stepmother of Scott
8 Dunn and wife of Jim Dunn, and Scott Dunn was
9 murdered in Texas, I'm trying to think of the name
10 of the town. It's cloudy.

11 Eventually, then, and you may or may not
12 have seen the case of Scott Dunn, the murder of
13 Scott Dunn on television, they often show it on
14 48 Hours or Forensic Files. It's where eventually
15 his girlfriend was jealous over another girlfriend
16 and murdered him and they couldn't find the body,
17 couldn't find the body, and it was one of the first
18 cases around that a conviction was done with no
19 body, no weapon, but a conviction was gathered.

20 She now is out of prison. She put a hit
21 on the father of the victim. She put a hit on the
22 judge. Well, on the prosecutor, who then became a
23 judge, and he died in a motorcycle accident by a
24 drunk, and she put a hit on everybody else other
25 than myself, which I found interesting, but --

1 Q. Is that the case where they sprayed
2 Luminol all over the apartment and found blood?

3 A. Yep. Yep.

4 Q. And I think I read somewhere that your
5 role in that case was to convince the prosecutor
6 that they had enough evidence to convict?

7 A. Yes. Yes.

8 Q. Just based on the quantity of blood?

9 A. Well, I argued that the blood was tissue,
10 therefore part of the body.

11 Q. And did the prosecutor adopt that
12 argument?

13 A. Yes.

14 Q. And did they present that argument at
15 trial?

16 A. Yes, and it prevailed.

17 Q. It prevailed.

18 How was Omega Crime Assessment Group
19 funded?

20 A. Me. It was -- it never turned out to be a
21 money making operation.

22 Q. Okay. What was Barbara Dunn's role?

23 A. I don't -- I don't see the connection
24 between -- I don't know of any connection between
25 Omega and Barbara Dunn.

1 Q. She's listed on the corporate records for
2 Omega Crime Assessment Group.

3 A. Really.

4 Q. With the Pennsylvania Secretary of
5 States's office.

6 A. News to me.

7 Q. Did you earn any money with Omega Crime
8 Assessment Group?

9 A. Nope.

10 Q. And what's located at 32 Sutphin Pines in
11 Yardley, Pennsylvania?

12 A. That's where the Dunns lived before they
13 moved to Georgia or North Carolina, wherever it is.

14 Q. How many cases did you work out on as a
15 representative of Omega Crime Assessment Group?

16 A. I don't know that I did any actually.

17 Q. Are you currently a member of any other
18 private, professional organizations other than the
19 Sherry Black Foundation?

20 A. No.

21 Q. Were you previously a member of any other
22 private, professional organizations other than
23 Vidocq Society, Sherry Black Foundation or the
24 others that we've talked about?

25 A. Not that I can think of.

1 Q. What about Parents of Murdered Children?

2 A. Oh, yes. Okay. I no longer belong, but I
3 was on the national board of that organization.

4 Q. Did you resign from that board?

5 A. Eventually I did. It was worthwhile, but
6 it had very bad management and eventually the
7 manager was fired because she was spending a lot of
8 the monies for the organization at the gambling
9 booths, but that's another issue.

10 Q. Okay. And is that why you resigned?

11 A. Yes.

12 Q. Have you published anything as a member of
13 the Sherry Black Foundation?

14 A. No, not really.

15 Q. Did you publish any articles or anything
16 under the Vidocq Society rubric?

17 A. No.

18 Q. Are you currently a member of any public
19 professional organization?

20 A. Such as?

21 Q. Pennsylvania Society for Psychologists?

22 A. No.

23 Q. Anything like that?

24 A. No.

25 Q. Crime organizations, anything like that?

1 A. No.

2 Q. Have you been a member of any professional
3 organizations that we have not discussed?

4 A. None that I can think of.

5 Q. And you're not currently teaching.

6 Is that correct?

7 A. Pardon?

8 Q. You're not currently teaching.

9 Is that correct?

10 A. Yes. Correct.

11 Q. Do you have any previous teaching
12 positions other than the Oklahoma State position
13 that we discussed?

14 A. Other than teaching in the -- at the
15 various places around the world as well as the
16 Sherry Black Foundation and that kind of stuff, I
17 enjoy teaching.

18 Q. But not for any colleges or universities?

19 A. No. The purpose is different. I expect
20 those that attend the police issues want to be
21 better cops and want to be able to be more efficient
22 than what they are, where that same thirst is not
23 necessarily predominant with students in a classroom
24 at a university.

25 Q. Okay. But you're not -- you don't have

1 any previous teaching positions at colleges or
2 universities that we haven't talked about?

3 A. Right. Right.

4 Q. Okay. So you said as part of your resume,
5 you maintain a list of at least some of the
6 publications you've authored.

7 Is that correct?

8 A. Right. Right.

9 Q. So in my search in your background in
10 trying to figure out, trying to find as much of your
11 published materials as I could, I came across the
12 following articles. One is -- one the author is
13 listed as Richard A. Walter, but the title of the
14 paper is an Examination of the Psychological Aspects
15 of Bite Marks.

16 A. Yes.

17 Q. From the American Journal of Medicine and
18 Pathology in March 1984, so I'm assuming that's you.

19 A. That's true.

20 Q. And it's just got your middle initial
21 wrong?

22 A. Right.

23 Q. And in that, you're listed as a prison
24 psychologist with the Michigan Intensive Program
25 Center, Michigan Department of Corrections,

1 Marquette, Michigan.

2 So when you authored that, you were at
3 Michigan DOC.

4 Is that right?

5 A. Right. Right.

6 Q. As part of your responsibilities with
7 Michigan DOC, were you required to publish?

8 A. No.

9 Q. Were you required to complete any
10 research?

11 A. No.

12 Q. Okay. So that was just kind of a side
13 thing you did?

14 A. Right. Right.

15 Q. So that was one. The other one -- another
16 one I found was Richard D. Walter, Anger Biting, The
17 Hidden Impulse, The American Journal of Forensic
18 Medicine and Pathology in September 1985, and that
19 was apparently a paper presented at the American
20 Association of Forensic Scientists, Odontology
21 Section in 1983.

22 Does that sound right?

23 A. Yes.

24 Q. And that says the same thing, that you
25 were at the Michigan DOC at the time that you wrote

1 and presented that article.

2 Did you -- this might sound like an odd
3 question, but it will make sense if you bear with
4 me.

5 How much vacation time did you get every
6 year while you were at Michigan DOC?

7 A. I don't recall, but I used to save a lot
8 of it and I stored it up to use a week or two to go
9 to wherever.

10 Q. Okay. So did you have to use vacation?

11 A. Yes.

12 Q. They didn't give you leaves of absence to
13 go --

14 A. Sometimes within the state, then the state
15 police, for instance, they'd call and ask if they
16 could borrow me from the department of corrections,
17 who resented it.

18 Q. Okay. How many times did the state police
19 borrow you?

20 A. I would think at least ten, fifteen times.

21 Q. And what did they borrow you for?

22 A. Generally on their cases and arsons and
23 things like that?

24 Q. Do you recall who you worked with at state
25 police that would have borrowed you from DOC?

1 A. I have his name at home. It's still on
2 my -- I still have a folder for him on my computer.
3 I can't think of his name at the moment, but a good
4 guy. I don't know if he's still alive or not, but
5 some of the other detectives there in the Marquette
6 area, they used me more than most.

7 Q. Do you recall any of their names?

8 A. Well, I know the detective, Don something,
9 died. I don't know about this other guy. I hope
10 he's still alive, but, yeah, they would go to the
11 warden and ask him, and the warden was good about
12 it, but I think that the feds down in Lansing yelled
13 about it a little bit, because why should we help
14 them, and I didn't take that attitude.

15 Q. What agency was the detective, Don, with
16 that passed away?

17 A. Michigan State Police.

18 Q. Can you recall the names of any cases that
19 you wrote reports on for agencies in Michigan
20 outside of DOC?

21 A. I don't know. I can't think of any at the
22 moment. I very well may have.

23 Q. If you were doing work for Michigan State
24 Police as a Michigan state employee, you would have
25 been required to write a report of your

1 investigation and your findings, right?

2 A. Right. Right.

3 Q. Okay. So do you recall authoring reports
4 on any particular cases?

5 A. I just did one not long ago for them. I'm
6 still convinced that it's a murder. They then chose
7 to believe that it was a suicide. I think they got
8 it wrong, but I wrote what I thought to them was
9 correct.

10 Q. What was the name of that case?

11 A. I'd have to go back and look. It's within
12 the last two years. It's the now retired assistant
13 sheriff, he called me on it and wanted me to help,
14 and I felt hoodwinked by the mother, because the
15 more I learned after the fact, I'm still -- I'm very
16 suspicious of her and what she had to say and how
17 she reported it and all this kind of stuff.

18 Q. And what was the assistant sheriff's name?

19 A. Mike Quale.

20 Q. Can you spell that for me?

21 A. Q-U-A-L-E. He's a good guy to talk to if
22 you want to.

23 Q. What agency was he with?

24 A. He was with the sheriff's department. He
25 was the deputy sheriff, you know --

1 Q. What county?

2 A. For Marquette County.

3 Q. And you said that was within the last two
4 years?

5 A. Yep.

6 Q. How about have you ever testified at trial
7 in a state court case in Michigan?

8 A. When I worked for DOC, I testified against
9 a guy who claimed that we -- I forget exactly what
10 the complaint was, but he then hired a lawyer that
11 felt he could get him \$15,000, because the
12 department would pay \$15,000 not to have to go to
13 court, to federal court, it was just too much bother
14 for them, and I then urged them to go to court and
15 we did and I then testified and the lawyers were
16 very upset, because the jury came back in about 30
17 minutes and found him in error.

18 I saw him the next day at prison and he
19 said "Mr. Walter, I'll never do that again," and I
20 said "Smart boy," but -- yeah.

21 Q. What was the name of that case?

22 A. The prisoner was at DOC and --

23 Q. What kind of case was it?

24 A. Well, it was -- the claim, it was
25 something outrageous, I don't remember what it was,

1 that he'd been injured somehow. Again, it was just
2 to get money.

3 Q. Were you testifying as a fact witness or
4 an expert witness?

5 A. As -- I testified for the department.

6 Q. Right, as to facts that you observed?

7 A. Right. Right. Yeah.

8 Q. So not as an expert witness?

9 A. Right. Right.

10 Q. Have you testified in any other cases in
11 the state of Michigan other than that one?

12 A. I don't think so. I don't think so.

13 Thanks to the Drake decision, I then decided that I
14 wasn't going to go that direction. I would aid and
15 assist and sometimes I would then educate or the
16 other psychologists or whatever else would call me
17 and ask me for advice to send them to do whatever
18 the testimony was, but I decided it was not good
19 until I could get my name cleared and it took a long
20 time.

21 With that said, with the American Academy
22 of Forensic Sciences and the others, I feel, and I
23 didn't do wrong, I feel now if I went to court, I
24 would let the chips fall where they may, tell the
25 truth and there you are.

1 Q. Have you ever testified at trial in
2 Pennsylvania?

3 A. Not that I know of.

4 Q. Other than the Drake case, have you ever
5 testified at trial in New York?

6 A. No. I don't think so, no.

7 Q. Have you ever testified at trial in any
8 other state other than Michigan?

9 A. They told me that I erred, because I was
10 asked about trials and I thought I had two in
11 California. They claim that I only did one, so
12 therefore, I was a liar. In fact, I was just
13 starting to think about that the other day. I was
14 told -- I could have been wrong, but I don't think I
15 was.

16 Q. I think the issue here was -- the concern
17 was whether or not you'd ever testified as an expert
18 witness in the field of psychology in California.

19 A. Okay.

20 Q. And the problem was that the one time you
21 had testified was on a chain of custody issue as
22 part of your work in the lab at the ME's office, and
23 the other time, I'm not even sure if you even
24 testified, but it had something to do with a Mazda
25 car accident.

1 Does that ring a bell?

2 A. Mazda comes to mind, but I'd have to think
3 about it for a long time before it comes full
4 version.

5 Q. Have you ever testified as an expert
6 witness in the field of psychology in any court in
7 the US?

8 A. In what?

9 Q. Have you ever testified as an expert
10 witness in the field of psychology in any court in
11 the U.S. other than the Drake case?

12 A. No, I don't believe so.

13 Q. Okay. Getting back to -- we were talking
14 about your list of publications, and I had found the
15 two, The Examination of Psychological Aspects of
16 Bite Marks and Anger Biting, and then I found a
17 third which was Richard Walter, Homosexual Panic and
18 Murder in the American Journal of Forensic Medicine
19 and Pathology, volume 6, No. 1, in March of 1985.

20 A. Right.

21 Q. And then the last one I found was Keppel,
22 Robert D., and Richard Walter, Profiling Killers: A
23 Revised Classification Model for Understanding
24 Sexual Murder, The International Journal of Offender
25 Therapy and Comparative Criminology, 43, 4, 1999 by

1 Sage Publication.

2 A. Right.

3 Q. And I wasn't able to find any other
4 published articles by you and I'm wondering if you
5 can point me in the right direction, if there are
6 others out there, or is that it, those four?

7 A. I think there are a couple more I've
8 written. I can't remember the titles, but I have
9 them listed at home and I have copies of them, I
10 think, so I'll send a copy to you and you can send
11 them on to him, all right?

12 Q. Sounds good.

13 Okay. Let's see. There was also
14 something about -- and this is something I think I
15 got from some of the things I read about you online
16 and from that presentation that you talked about
17 earlier that Capuzzo was at, this concept of a
18 matrix in the form of -- essentially I think what
19 you said that it was in the form of a double helix,
20 similar to DNA, and it was some kind of helix or
21 matrix schematic to identify killers developed as a
22 tool of investigation using pre-crime crime and
23 post-crime behavior to help develop suspects.

24 Did I get that right?

25 A. Yeah, for the most part. I don't like

1 being interpreted by others meaning Capuzzo. That
2 said, he may have accidentally gotten it right.
3 Yeah, it's called the helix, the learning curve of
4 sadism, and I referred to it earlier as a
5 developmental -- highly projected, but developmental
6 schematic learning -- they go through various
7 stages, always in the same order, going through, so
8 when I look at a crime scene that is sadistic, I can
9 see where they're at, I know where they have been,
10 their steps through, so then that opens up a whole
11 new range of investigation of questions, et cetera,
12 that should be there. It does not apply to all
13 murder, it applies to sadism.

14 Now, having said that, then, more
15 importantly is the crime assessment. I wish I had a
16 board here, but I don't. You can take and write
17 down the center of the paper or the board, write
18 down the crime, and that becomes the standard. You
19 look at that for your standard.

20 Over here, then, you look at pre-crime
21 behavior, and over here, you look at post-crime
22 behavior, and as a consequence, then, your crime, if
23 you know how to assess it, for instance, as in this
24 case, I would opine that it was a -- what we call a
25 power assertive murder, okay?

1 Well, what's that mean? We can get into
2 that in a second, but -- so that's going to help the
3 investigator once he understands what that is and if
4 he understands something about the eccentricities of
5 power as a class of killer or a type of killer, what
6 they do and what they don't do and all these other
7 such things. It helps you, then, understand who and
8 what you're looking for.

9 Therefore, let's say you have three or
10 four suspects, and number one, you say what was the
11 relationship to the victim and all this kind of
12 stuff and what has happened that would cause these
13 events to take place.

14 From that, then, you come to No. 2.
15 No. 1, they have one, he knows her, that's it.
16 No. 2, then, they have dated. He knows her, he
17 dated her, they've been to parties together,
18 whatever, and No. 3, then, is somebody who knows her
19 well, a boyfriend, a girlfriend, whatever else, and
20 then the argument, the fights, the issues, and all
21 the stuff teenagers go through and sometimes they
22 get carried away, and low and behold, you end up
23 with 15 or 20 different key power-related issues.

24 Fine. Then you take a line and you go
25 off, then, to that action which is related by

1 presence or absence in your crime scene and you can
2 maybe get 12, 15 linkages to that.

3 Does that prove it to me? No.

4 What it does do, then, if you come over to
5 post-crime behavior, what happens after the murder,
6 and then you watch their behavior, watch what they
7 do, watch how they respond, watch all these other
8 kinds of things, and people are going to come
9 forward and say this, that and everything else, and
10 from that, then, you can come back over and link
11 that back to the center, and so now you have a
12 straight line that flows through and crosses over by
13 the No. 3 by his behavior and by his actions.

14 Q. Okay. So have you ever published an
15 example of this matrix?

16 A. I've not published it. I have lectured
17 and taught forensic people. I am very hesitant.
18 Hell, I created this over 30 years ago and I'm just
19 starting to let loose of it.

20 Q. You created it in the 1980s?

21 A. Before that actually. I started in the
22 '70s. I hung on to it for a long time and then I
23 started -- and I double-checked it here, there,
24 wherever and -- but what happens is that -- when
25 you're reading it, then you do a basis, then, for

1 saying, gee, let's look at the person of interest,
2 and it gives you, then, a foundation which to work
3 from to start looking for physical evidence, et
4 cetera, et cetera, et cetera, which can be
5 manipulated, whatever.

6 Q. Has anyone ever been able to validate this
7 matrix?

8 A. We have not formally done it, but I know
9 it's been used over and over again successfully.

10 Q. Because in doing my research, I found a
11 lot of articles and a lot of researchers, a lot of
12 criticism on it, and a few that purport to attempt
13 to devalidate it and they concluded that it can't be
14 validated, and I didn't find anything where you
15 addressed that criticism and I'm kind of wondering
16 why not.

17 A. Nobody has ever approached me with
18 criticism.

19 Q. Have you ever reviewed any of the papers
20 that have been written by like Craig Binnell, Brett
21 Snook, Sampson Higgs and all these folks?

22 A. Where are they from?

23 Q. Well, let's see, Carlton University,
24 Criminal Justice and Behavior -- Journal of Criminal
25 Justice and Behavior, Journal of Aggression and

1 Violent Behavior. Another one is the Criminal
2 Justice and Behavior.

3 Ever since you published that article in
4 1999, there have been -- well, I've got six or seven
5 papers just here in my office that I've reviewed
6 trying to validate that model in your matrix and the
7 model that you laid out in profiling killers, and
8 they've all come to the conclusion, as far as I can
9 tell, that it can't be validated. I haven't yet
10 been able to find anywhere where it's been peer
11 reviewed and validated.

12 I'm just wondering if you of somebody
13 somewhere where it's been peer reviewed and someone
14 has been able to validate it?

15 A. If I recall correctly, I think before he
16 died, Keppel did.

17 Q. Okay. And wrote a paper on it?

18 A. I believe he did, or an article, and -- he
19 is now dead, but I can reach out and see if I can
20 find out.

21 Q. I think I looked at everything he wrote,
22 but if you can reach out and find it and produce it,
23 that would be great.

24 A. Yeah.

25 Q. Was your matrix used, the helix -- do you

1 call it the helix?

2 A. Yeah, but I didn't -- the irony of all
3 this is, sir, in that paper you're talking about
4 with Keppel, the's helix was not introduced.

5 Q. Yeah, I know, that's why I was wondering
6 if you published it anywhere, because the closest
7 I've come to it is an article called Classifying
8 Serial Sexual Murder/Murderers, An Attempt to
9 Validate Keppel and Walter's 1999 Model, which is
10 offered by Craig Bennell, Sarah Bloomfield, Karla
11 Emeno, and Evanya Musolino of Carlton University and
12 published in the Journal of Criminal Justice and
13 Behavior, volume 40, No. 1, in January of 2013.

14 They come up -- they display what I
15 believe is the matrix or helix or their version of
16 it, at least, trying to use your -- what you put
17 together in your article with Keppel.

18 A. Huh.

19 Q. So I can see here kind of the double
20 helix, the matrix thing happening, that's why I'm
21 wondering where you published that where I can see
22 what you might have --

23 A. Yeah. If I recall correctly, now that
24 you've brought that up, Peter Stephenson also read
25 all those papers, because he and I talked about it,

1 and he's a big computer guy and all this kind of
2 stuff and he is a bite guy and he then found all
3 their mistakes in those papers that they wrote.

4 Q. What's his name?

5 A. Peter Stephenson. We talked about him
6 earlier. He lives in Detroit.

7 Q. Part of Vidocq?

8 A. Yeah, he's with Vidocq.

9 Q. Okay. Has he published anything?

10 A. Not that I -- I don't know if he has or
11 not, I should ask him, or you can ask him, but I
12 know that he can certainly inform you on it, better
13 than, much better than I.

14 MS. SCHAFFER: Can we take a quick break?
15 I think Mr. Walter wants to get up and stretch his
16 legs for a minute.

17 MR. LAUERSDORF: Sure.

18 MS. SCHAFFER: We'll just take five.

19 (Pause in deposition: 2:46 - 2:57 p.m.)
20

21 BY MR. LAUERSDORF: (Continuing)

22 Q. Was the matrix or the helix that you
23 developed used in the Freeman investigation?

24 A. I'm -- let me ask a question before I
25 respond. If you're referring to the matrix as the

1 helix, the helix was not used in this case, okay?

2 Q. Are the matrix and the helix two different
3 things?

4 A. Yes.

5 Q. Oh, okay. All right.

6 A. Yeah.

7 So what was used is a block process and a
8 thought suggestion, ideas exchanged of what they had
9 to tell me, okay? And what they told me, then, was
10 significant, because I did not interview one person
11 in the case and I relied on Chief Dannels, for the
12 most part.

13 Q. Okay.

14 A. As to what was said, who said what, all
15 these other sorts of things, and so my idea was to
16 exchange ideas and to look, then, for a pattern
17 development that would explain the case in chief or
18 let them understand where they needed to improve or
19 change or whatever else, and so it was a matter of
20 listening and my only source really was the
21 information that the chief had or that the chief had
22 acquired himself, and I for one, having some
23 experience in these issues, I never accept what the
24 police say as a -- who a suspect is.

25 Q. What did you do to verify or corroborate

1 the information that Chief Dannels provided to you?

2 A. I accepted his word for what was said.

3 Q. Okay.

4 A. Or what he said, okay?

5 Q. So essentially what you did was took the
6 facts that he provided you, or the information that
7 he provided you, whether they were facts or not --

8 A. Right.

9 Q. -- and crafted that into a narrative that
10 the prosecution could use to prosecute Mr. McGuffin?

11 MS. SCHAFFER: Objection; lacks
12 foundation; it's argumentative.

13 Q. I'm just trying to understand what he just
14 said.

15 Can you answer the question?

16 A. What I did was I listened to what they had
17 to say and asked questions, but I didn't challenge,
18 because I didn't have anything to challenge with,
19 because I didn't interview the original people,
20 okay? And so --

21 Q. You knew at the time that they were coming
22 to you specifically and the Vidocq Society for
23 guidance on how to wrap this case up, right?

24 A. And/or what it meant, okay? And so that
25 was my job. I was not here as a professional. I am

1 doing my professional work as I normally would in
2 terms of consultation and all that kind of stuff. I
3 was there to listen and to help them understand what
4 they claim to be true, okay?

5 Q. Okay. I'm trying to think of analogy, and
6 correct me if I'm wrong, but it sounds like the
7 analogy would be you're taking the puzzle pieces
8 that they give you and you're assembling them into
9 the puzzle that reveals the picture to them?

10 MS. SCHAFFER: I'm going to object;
11 incomplete hypothetical; it's vague and ambiguous.

12 Q. Does that sound like a correct analogy?

13 A. Well, I think -- I think if you expose the
14 ideas and various arrangements that could have taken
15 place, which is likely, which is not likely, did
16 they coincide, and did they eventually, then, form a
17 construct of understanding in terms of what they
18 claimed happened, okay?

19 Q. And is that based on your understanding of
20 the matrix that you to developed?

21 A. Yep, and they -- I was never suggesting
22 that I was absolutely right. I was presenting ideas
23 so that they could see their own case.

24 Q. Right, because you understood that they
25 were coming to you because they were out of ideas,

1 right?

2 A. Yeah, and from that, then, I, for
3 instance, knew nothing about the second shoe
4 until -- I may have been told, okay? I'm not
5 arguing that I didn't hear it. I knew nothing about
6 the second shoe and the DNA until 20/20 called me.
7 I was gobsmacked by it.

8 Q. I guess my question is: You knew that
9 they were coming to you for guidance and that they
10 were going to rely on what you told them, and so why
11 didn't you take some steps to verify or corroborate
12 the information that they were providing you?

13 MS. SCHAFFER: Objection; asked and
14 answered; calls for speculation; argumentative;
15 lacks foundation.

16 A. Because I wasn't there to help them solve
17 the crime per se, whether they thought so or not,
18 okay? I was there to provide them with ideas and
19 suggestions and whatever else in terms of meaning
20 what they had said and how it linked up or didn't
21 link up, to what would be expected, okay?

22 Q. So when Vidocq Society back when you were
23 there, back in 2010 when you taking these cases, did
24 Vidocq provide a disclaimer to the agencies that
25 were coming in, any kind of manual or guidelines,

1 did you explain to them "Hey, this is what we do and
2 don't do, this is what you can expect and not
3 expect"?

4 MS. SCHAFFER: Objection; calls for
5 speculation.

6 You can answer.

7 A. And Frederick -- I don't know when he
8 didn't, Frederick always gave that disclaimer.

9 Q. Verbally or was there some kind of a
10 written --

11 A. In written, okay?

12 Q. Okay.

13 A. And so one of the great mistakes of a lot
14 of opinion people is that they jump to conclusions.
15 I choose not to do that. I want the facts as
16 perceived, and in my case, they were perceived,
17 because I didn't know them first person. I wanted
18 them, then, to come to their own conclusion based on
19 the facts that they asserted were true and valuable.

20 From that, then, as I could promote
21 through ideas or whatever else some alternative
22 interpretation peripherals, I would have jumped at
23 it immediately and did probably.

24 I don't remember necessarily, but when
25 the -- when the bulk of the materials were in and I

1 understood what they were saying, I then indicated
2 that it was consistent with what we would call a
3 power-assertive murder.

4 Q. Okay. So you talked to Chief Dannels and
5 DA Frasier about the matrix, about your
6 classification system at some point?

7 A. Yeah, in the pre-crime crime, post crime,
8 okay?

9 Q. So you did describe the matrix to them?

10 A. Yeah.

11 Q. Okay.

12 A. And from that, then, I didn't write on the
13 board, nothing else, and they created a board of the
14 matrix, if you please.

15 Q. When was that? When did they create that?

16 A. When I was there.

17 Q. In Coquille?

18 A. Yeah, in Coquille.

19 Q. Okay.

20 A. So then I started listing out, then, the
21 history as they perceived and learned from the
22 witnesses of the relationship between the victim and
23 the suspect.

24 Q. So they created a board of the matrix
25 while you were there?

1 A. Yes.

2 Q. Do you recall if that was shown on 20/20
3 at all?

4 A. No, I don't think so. I haven't seen that
5 show since right after it came out.

6 Q. Okay.

7 A. And I would say, I didn't like it, okay?

8 That said, then, when you then get through
9 and you show the linkages then between what could be
10 perceived as motive, opportunity, all this kind of
11 stuff, then -- and you measure that against the
12 pre-crime behavior and the arguments of they
13 allegedly or reported as so to me had, then you link
14 that, then, to the crime scene itself, is it
15 consistent with PA? Yes.

16 Now, when you look at post-crime behavior,
17 okay, and the cleanup, allegedly, and the car and
18 the other issues and allegedly some of the alleged
19 friends that testified about his behavior, now you
20 see that that also was consistent with PA, and that
21 basically, by his own behavior, then, he's --
22 circumstantially he's raising his hand as it all
23 fits together and he's saying "I'm your guy."

24 Now, investigations should not stop there.
25 They should also go into the forensics which gives

1 the investigator, then, the ability to look --
2 hopefully look in the right places and challenge and
3 see if you can develop more scientific evidence,
4 okay? But again, I did not opine that absolutely he
5 did it and whatever else. What I did was I showed
6 them, predicated on what they told me, this is how
7 it fits together, okay?

8 Q. So let me stop you there for a second and
9 see if I understand, because I think what you're
10 saying, and correct me if I'm wrong, but I think
11 what you're saying -- or the way I'm -- the way I'm
12 understanding what you're saying and based on what
13 I've read in your papers and the papers we've
14 reviewed in your papers --

15 A. Right.

16 Q. -- it sounds like what you're saying is
17 based on what they provided me, I determined from
18 the crime scene evidence that this homicide was
19 committed by a power assertive perpetrator?

20 A. Right.

21 Q. A perpetrator who demonstrated
22 power-assertive tendencies?

23 A. Right.

24 Q. And then they put this board together with
25 the pre-crime behavior and the post-crime behavior

1 of McGuffin, and based on the information that they
2 provided to me about pre-crime and post-crime, I
3 concluded that Mr. McGuffin met the power-assertive
4 profile?

5 A. Exactly.

6 Q. Okay. And you discussed that with them,
7 with the investigators, Dannels and Frasier?

8 A. Yeah. I didn't say he did it.

9 Q. Okay. So you didn't say he did it, but
10 from there, now you've discussed this where you said
11 yes, in your opinion, you have a homicide scene that
12 is consistent with a power-assertive perpetrator and
13 you have a suspect who has a power-assertive
14 profile.

15 A. Right.

16 Q. So where are they supposed to go with
17 that? Because it sounds like you matched them up
18 pretty tightly.

19 MS. SCHAFFER: I'm going to object; lacks
20 foundation; misstates the witness's testimony;
21 argumentative.

22 Q. Okay. Mr. Walter, have I misstated what
23 you're saying?

24 A. I lost my thought.

25 Oh, actually, if all the facts that they

1 told me are and were true, okay?

2 Q. Okay.

3 A. The suspect did himself more damage than
4 anybody in terms of creating the suspicion which was
5 put on his shoulders by them, okay?

6 I am -- well, first of all, I was acting
7 as a simulant for their thinking process and their
8 understanding. I wasn't there as a professional in
9 my normal professional work, okay? It's different.
10 Different process.

11 Q. How do you distinguish between the two and
12 how do you make sure that they are clear that you
13 are acting in one capacity and not the other?

14 A. All you have to be is around me for five
15 minutes and you can figure that one out.

16 Q. Okay. You know, that may be true with
17 some folks, maybe not true of others.

18 A. It's true of me, okay?

19 Q. Okay.

20 A. From that, then, I would have loved to
21 have said "Gee, do you have any other PAs, power
22 assertives, that we can look into or you should look
23 into" or whatever else, okay? But that never came
24 about.

25 Q. Why not?

1 A. I don't know that there was anybody else.

2 Q. Did you ask?

3 A. I am not convinced, by the way, that we
4 should be talking about just McGuffin. I would
5 think you should be talking about they.

6 Q. Explain.

7 A. Often with PAs, they like to have
8 witnesses and they also like to have people who can
9 delegate the fact that they were successful. In
10 fact, with PAs, certainly you can get the
11 individual, but often you'll get as many as three to
12 five people involved, and I'm not convinced beyond a
13 shadow of a doubt, and though this was never brought
14 up by them, I'm still not convinced that it wasn't
15 more than one.

16 Q. Okay. Did you tell them that?

17 A. I don't remember specifically telling them
18 that, but it was certainly within my lexicon to do
19 that, to make that kind of a statement.

20 And what I still don't understand about
21 the case --

22 MS. SCHAFFER: There's no question
23 pending.

24 Q. Were you finishing a thought?

25 A. No, go ahead.

1 Q. Okay. So let's get into the investigation
2 a little bit.

3 When did you first become aware of
4 Ms. Freeman outside of the investigation?

5 A. When they presented it at Vidocq.

6 Q. Had you spoken to anybody about it before
7 Chief Dannels came out to Vidocq Society to present
8 it?

9 (Exhibit No. 2 marked.)

10 A. No. I'm going to show you what's been
11 marked as Exhb. 2, this is you an article called
12 "Cold Case Squad: Modern-Day 'Sherlock Holmes' Team
13 Takes on Oregon Slaying." The author is Rob Wallace
14 I think of ABC News with a publication date of
15 August 11, 2010, which is an article about you and
16 Vidocq Society and your participation in the Freeman
17 investigation.

18 I'll take you to, let's see here, it must
19 be page -- whatever this page is, page 3 of 7 of the
20 PDF.

21 We've got this quote here from
22 Mr. Capuzzo, "People think of them" -- and he's
23 talking about you and Vidocq Society -- "People
24 think of them as wizards to sort of peep and mutter
25 and go into a back room and come out and say 'He did

1 it,'" said Philadelphia crime writer Michael
2 Capuzzo, who profiles the group in his book, "The
3 Murder Room."

4 And then the author of the article points
5 out that Dannels said he reviewed some information
6 about you and did not hesitate to call for outside
7 help.

8 Are you aware as Mr. Capuzzo states that
9 people have this impression of you and Vidocq, that
10 they can give you some information and you'll be
11 able to tell them who did it?

12 A. Many do.

13 Q. What's that?

14 A. Many do.

15 Q. Many do.

16 So what do you do to let them know, "Hey,
17 that's not what's going on here," or is that what's
18 going on? I don't know.

19 A. No, it's not what's going on. If you want
20 to be in the guessing game, it can be true, but
21 erroneous. That said, the truth, it takes good,
22 hard work to sort through and find cause and
23 justification and linkage then between the two
24 people and then motive, method and opportunity are
25 critical to that and there's much more involved, and

1 despite Michael's gift with the English language,
2 he's not the most brilliant chronicler I've ever
3 met, and so I'm not charmed by his comments.

4 That said, people have a lot of
5 misconceptions, and at one time we were much more
6 secretive than we are today.

7 Q. Do you think that's one of the problems
8 with the way Vidocq is headed? Is that one of your
9 concerns?

10 A. Yes.

11 Q. Down here on the next page, page 4 of 7 of
12 the article, Capuzzo wrote "Walter's nickname at
13 Scotland Yard is living Sherlock Holmes, 'cause he
14 sort of looks, talks, and acts like Sherlock Holmes,
15 said Capuzzo, but he's the real deal, as a
16 criminologist, too. And he's devoted his life to
17 it."

18 Who at the Scotland Yard gave you the
19 nickname of Sherlock Holmes?

20 A. I'm not really sure.

21 Q. Is that something that you told
22 Mr. Capuzzo, that peep at Scotland Yard call you
23 that?

24 A. I might have, and I quite dislike the term
25 or the comparison.

1 Q. Did Mr. Capuzzo ever tell you whether or
2 not he had gotten in touch with anybody at Scotland
3 Yard to vet his book?

4 A. I don't think so. I'm sure not.

5 Q. Then if we go on -- go ahead.

6 A. I wouldn't be a bit surprised if he got
7 that from chatter while at the Vidocq Society.

8 Q. If we go on to page 6 of 7, we talked a
9 little bit about some of the cases that show up on
10 the Internet for you and one of them is that Dunn
11 case, Alicia Hamilton, and it says here "Back in
12 Oregon, Police Chief Dannels was impressed with the
13 Vidocq Society's track record of solving the
14 unsolvable. The society, in turn, thought they
15 could help find out what happened to Leah Freeman.
16 They took the case, with Richard Walter as point
17 man. Dannels flew to Philadelphia to meet the
18 team."

19 So that's part of what I'm curious about,
20 are you sure you didn't have any communication or
21 conversation with Dannels before they came out there
22 to present in Philadelphia?

23 A. I'm quite sure that I didn't, and in your
24 highlighted paragraph there, basically he was
25 impressed because of the Dunn case rather than

1 having a pre-conference with me.

2 Q. Okay. Is that something that he talked to
3 you at some point, how impressed he was with Vidocq
4 and you in particular?

5 A. If he did, I didn't choose to hear him.

6 Q. Okay. Do you recall having any
7 conversations with him about your prior work?

8 A. No, not really.

9 Q. Okay. Then it shows "They took the case
10 with Richard Walter as the point man."

11 Would having you as the point man be
12 something that happened after they presented, or
13 could you have been preassigned by -- what's us
14 name?

15 MS. SCHAFFER: I'm going to object that
16 this lacks foundation. This is a periodical
17 article. This doesn't actually reflect anything
18 that's designated. I don't think it's relevant and
19 it lacks foundation.

20 Q. Go ahead and answer the question, if you
21 can.

22 MS. SCHAFFER: Yeah, you can go ahead and
23 answer the question, if you can.

24 A. What was the question?

25 Q. This idea of you as the point man, and let

1 me ask you, were you considered the point man on
2 Vidocq's participation in the Freeman investigation?

3 A. After the presentation at Vidocq.

4 Q. Okay. So that would have been something
5 that occurred after the presentation?

6 A. Right.

7 Q. Okay. So they came to present, and do you
8 recall when they came to present?

9 A. No.

10 Q. Who was present when they came to present?

11 A. All the regular people.

12 Q. Do you know how many?

13 A. I have no idea.

14 Q. Do you recall who came out from Oregon?

15 A. Dannels and the prosecutor and a police
16 officer. There may have been one -- it seems to me
17 like there were five people that came.

18 Q. Okay. And do you recall the name of the
19 prosecutor?

20 A. Yeah.

21 Q. Is that Mr. Frasier?

22 A. Yeah.

23 Q. Okay. And do you recall the name of the
24 police officer?

25 A. No.

1 Q. Okay. When they came out, did they
2 already have a theory developed about what had
3 happened with Ms. Freeman and who was responsible?

4 A. They may have. It wasn't explicit, but
5 they may have.

6 Q. Okay. And when they came out, what
7 specifically did they tell you about the case up to
8 that point?

9 A. They just ran through some of the
10 evidence, not all of it, but some of the evidence
11 that they had, and it sounded like they had a good
12 idea of who they thought was the bad guy, but that
13 would not have influenced me.

14 (Exhibit No. 3 marked.)

15 Q. Okay. So let me show you another exhibit
16 here. I'll show you what's been marked as Exhb. 3.
17 This is an article called Murder on the Menu from
18 November 19, 2012. It's by something called
19 The Crime Report, and what this guy is talking
20 about, and you can read the whole article if you
21 want to, but I'll just summarize it for you and you
22 can let me know if you need to hear more.

23 A. Right.

24 Q. This guy is an author who was apparently
25 allowed to come along to a Vidocq meeting with a

1 couple of detectives, Bryan Hargett and Sergeant
2 Mickey Williams, who were investigating the murder
3 of a woman named Jodine Serrin in Carlsbad,
4 California, and he's recording on just generally
5 what happened at this meeting, so I wanted to go
6 through it just a little bit and see if this is
7 consistent with your understanding of what generally
8 happened at one of these presentations.

9 He says "He talks about Fred Bornhofen
10 there, who you've mentioned, and he said that he
11 acts as Vidocq's case management director, and I
12 think that's correct, right, we've already talked
13 about?

14 A. Right.

15 Q. And then on the next page, he says "Often
16 the Vidocq Society covers the investigators' airfare
17 and hotel expenses."

18 Do you know if Vidocq covered the expenses
19 for Chief Dannels and Mr. Frasier and their
20 entourage?

21 A. That's a great mystery of this case,
22 because they asked me, I then have no record of it,
23 I then called Vidocq, talk to the treasurer, and he
24 has no record of it. I haven't talked to Dannels
25 and I don't know if they have a record of it or not.

1 I know that I didn't pay for it, and so the question
2 who paid the expenses, I also called the travel
3 agency that Vidocq used and they don't have evidence
4 for it, and so I'm at a loss to explain it.

5 Q. Okay. But you're certain that they came
6 out there?

7 A. Yeah.

8 Q. Okay. And then it says here in this
9 particular case, the -- let me get the name right,
10 the Serrin case. In this case, Bornhofen handed out
11 copies of a brief about the case and said as a rule,
12 he makes sure to collect all copies when lunch is
13 over.

14 Do you recall that Bornhofen handed out
15 copies of the brief on the Freeman investigation
16 prior to the investigation?

17 A. I don't know that he did on that one.

18 Q. Okay. Was that his routine practice or
19 his habit?

20 A. Often was the case.

21 Q. Okay. And then he says "'I burn them in
22 my incinerator, so they don't get out to the
23 public,' Bornhofen explained."

24 A. Right.

25 Q. Is that your understanding of what

1 Bornhofen's practice was?

2 A. Yes.

3 Q. Okay. And was that something that was a
4 Vidocq policy?

5 A. It was a protective policy that I think
6 went by the wayside.

7 Q. Since you left, since the time you left?

8 A. Yes.

9 Q. Okay. And then it says down here, he
10 talks about how the meeting goes on, and he says
11 "The detectives poured through details of the case,
12 pointing out clues, missed opportunities, and
13 possible leads. On the projector screen, they wove
14 a tale of a case that they had clearly put their
15 heart into."

16 So that suggests to me that they were
17 presenting some sort of a PowerPoint or a video or
18 something that they produced?

19 A. A PowerPoint.

20 Q. Is that pretty typical of the people that
21 come to present?

22 A. A PowerPoint, yes.

23 Q. Okay. Do you recall if Chief Dannels had
24 a PowerPoint presentation for you when they came
25 out?

1 A. I don't recall.

2 Q. Okay. And then he says here "The audience
3 studied the photos of the crime scene."

4 Would that be part of the PowerPoint or do
5 people typically bring out glossies and
6 eight-by-tens and actual photos to pass around?

7 A. Very rarely did that happen.

8 Q. Okay. And then he basically says that
9 after that, that the questions came out rapid fire,
10 and then they tried to answer the questions.

11 Down here on page 3 of 4, they say
12 "Sometimes the club's real hard-nosed sleuthing
13 comes after the formal presentation of the case,
14 when Vidocq members who think they can offer help or
15 advice line up to discuss their thoughts with
16 detectives."

17 Is that the same thing that you were
18 talking about earlier when you said you sometimes
19 take folks out to dinner and talk about the case?

20 A. Let me read that line again.

21 Yes.

22 Q. Okay. So is this -- what he's talking
23 about here, is this something that happened inside
24 the presentation, and then at some point the
25 presentation ended and then you take them out to

1 dinner?

2 A. The presentation ends, they don't know
3 they're going to be invited out or not.

4 Q. Oh, okay.

5 A. Okay. And then if they do a good job and
6 look like they're interested or whatever else, then
7 I, as well as -- we'd ask them to stay over an extra
8 night and then we would take them out to different
9 restaurants or whatever else for -- to be congenial
10 as well as give them an opportunity to loosen up and
11 ask questions.

12 Q. Okay.

13 A. Because the room where they generally
14 present and the hall that they present can be
15 relatively intimidating.

16 Q. Okay. And then he mentions down here that
17 there were a couple people that came up and asked
18 some questions, but when Richard Walter, the famed
19 forensic psychologist, began to explain his thoughts
20 on the murder, a small crowd gathered. It says
21 Bornhofen describes you as the backbone of the
22 organization, so I'm wondering, I don't want to
23 trigger any modesty or anything, but it sounds like
24 you're really the draw here, that this is you as
25 opposed to the bigger organization.

1 Is that fair or no?

2 A. I think many people believe that.

3 Q. Okay.

4 A. Not necessarily myself.

5 Q. Okay. So when you tendered your
6 resignation, was there any -- did anybody say "Hey,
7 please don't go. That's not okay"?

8 A. Yes.

9 Q. And who said that?

10 A. A number of people that -- I wouldn't say
11 a number, but a few that couldn't believe it and
12 they saw my absence as a loss. Whether true or not,
13 that was their expression.

14 (Exhibit No. 4 marked.)

15 Q. Okay. So then I'll stop sharing this, and
16 then I want to show something else here. I'll show
17 you what's been marked as Exhb. 4.

18 Do you see that PowerPoint presentation on
19 your screen?

20 A. Yes.

21 [REDACTED]

22

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

| Year | Number of cases | Percentage of cases |
|------|-----------------|---------------------|
| 2010 | 10 | 10.0% |
| 2011 | 15 | 15.0% |
| 2012 | 20 | 20.0% |
| 2013 | 25 | 25.0% |
| 2014 | 30 | 30.0% |
| 2015 | 35 | 35.0% |
| 2016 | 40 | 40.0% |
| 2017 | 45 | 45.0% |
| 2018 | 50 | 50.0% |
| 2019 | 55 | 55.0% |
| 2020 | 60 | 60.0% |
| 2021 | 65 | 65.0% |
| 2022 | 70 | 70.0% |
| 2023 | 75 | 75.0% |
| 2024 | 80 | 80.0% |
| 2025 | 85 | 85.0% |
| 2026 | 90 | 90.0% |
| 2027 | 95 | 95.0% |
| 2028 | 100 | 100.0% |
| 2029 | 105 | 105.0% |
| 2030 | 110 | 110.0% |
| 2031 | 115 | 115.0% |
| 2032 | 120 | 120.0% |
| 2033 | 125 | 125.0% |
| 2034 | 130 | 130.0% |
| 2035 | 135 | 135.0% |
| 2036 | 140 | 140.0% |
| 2037 | 145 | 145.0% |
| 2038 | 150 | 150.0% |
| 2039 | 155 | 155.0% |
| 2040 | 160 | 160.0% |
| 2041 | 165 | 165.0% |
| 2042 | 170 | 170.0% |
| 2043 | 175 | 175.0% |
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| 2057 | 245 | 245.0% |
| 2058 | 250 | 250.0% |
| 2059 | 255 | 255.0% |
| 2060 | 260 | 260.0% |
| 2061 | 265 | 265.0% |
| 2062 | 270 | 270.0% |
| 2063 | 275 | 275.0% |
| 2064 | 280 | 280.0% |
| 2065 | 285 | 285.0% |
| 2066 | 290 | 290.0% |
| 2067 | 295 | 295.0% |
| 2068 | 300 | 300.0% |
| 2069 | 305 | 305.0% |
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| 2085 | 385 | 385.0% |
| 2086 | 390 | 390.0% |
| 2087 | 395 | 395.0% |
| 2088 | 400 | 400.0% |
| 2089 | 405 | 405.0% |
| 2090 | 410 | 410.0% |
| 2091 | 415 | 415.0% |
| 2092 | 420 | 420.0% |
| 2093 | 425 | 425.0% |
| 2094 | 430 | 430.0% |
| 2095 | 435 | 435.0% |
| 2096 | 440 | 440.0% |
| 2097 | 445 | 445.0% |
| 2098 | 450 | 450.0% |
| 2099 | 455 | 455.0% |
| 2100 | 460 | 460.0% |

[illegible]

11 of 11

[illegible]

██████████

1 [REDACTED] [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Do you know which shoe Deputy Oswald found
10 on Hudson Ridge, whether it was the left or the
11 right?

12 A. No. I was only aware of one shoe and that
13 was right by the gas station there and the cemetery
14 was right across the road and it was relatively
15 quickly found, I believe.

16 Q. Okay. And did anybody tell you who found
17 that shoe?

18 A. No.

19 Q. So quickly found, so your understanding is
20 that shoe was found on the night that Ms. Freeman
21 disappeared?

22 A. This shoe.

23 Q. This shoe that we're --

24 A. One shoe was found right off that corner,
25 I believe.

1 Q. Okay.

2 A. And then -- and then I know nothing about
3 the second shoe very much at all.

4 Q. Okay. So let me back you up here.

5 This is 11:40 p.m. on the night of the
6 disappearance, a man named Tony Messerle finds a
7 shoe in the middle of the North Elm Street, holds on
8 to that shoe and eventually turns it over to
9 investigators on July 4th, and DNA evidence
10 identifies it as Leah's shoe, but you don't know
11 whether that's the right or the left?

12 A. No.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q. Okay. And did you -- was it your
17 understanding, did anyone tell you that the first
18 shoe that was found had blood on it somewhere?

19 A. I've been curious about that.

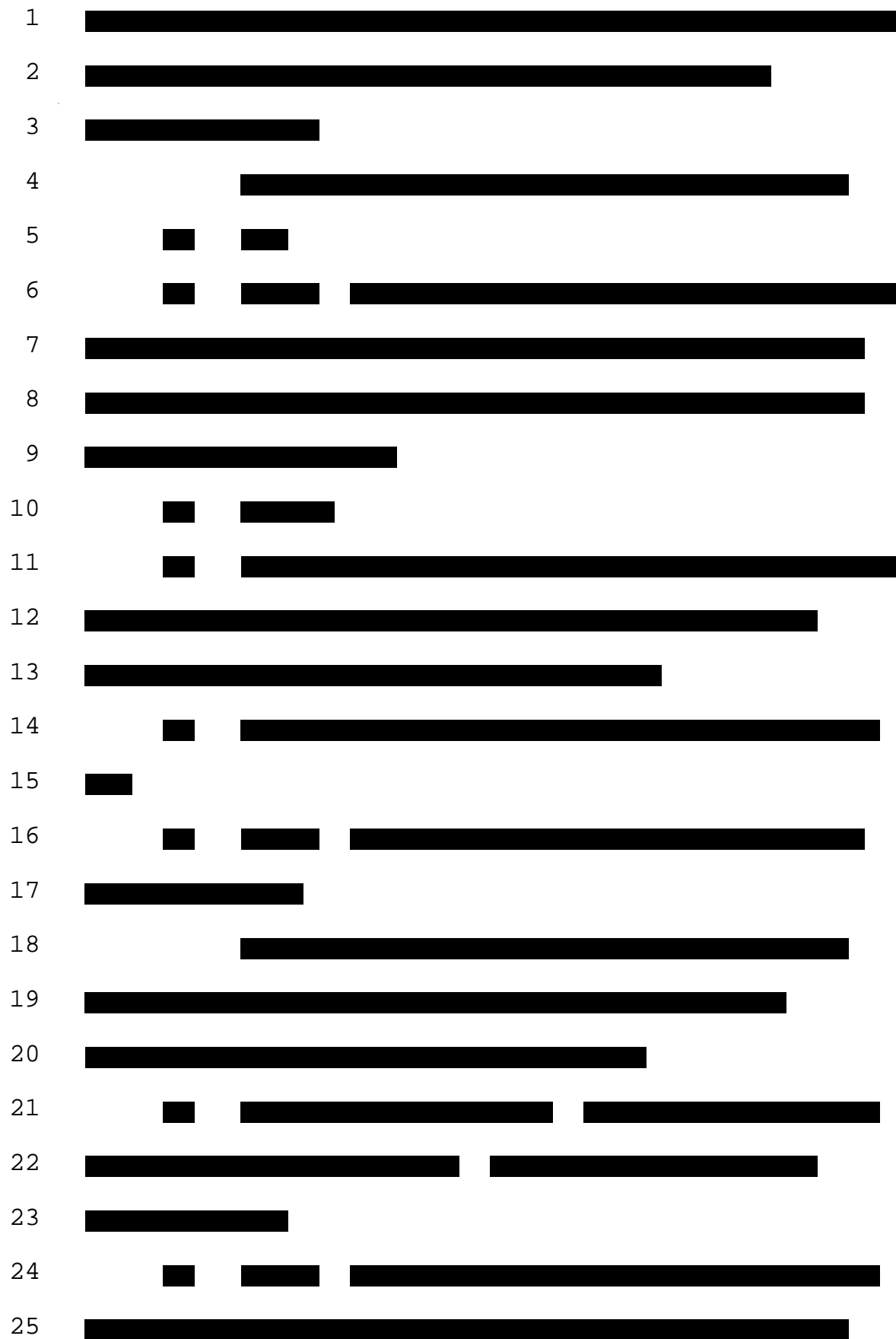
20 Q. Do you recall anyone telling you that?

21 A. I had not remembered blood was found on
22 that shoe, but apparently, I was misinformed.

23 Q. Do you recall who misinformed you?

24 A. Probably myself not hearing correctly.

25 [REDACTED]



1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED] what's your
7 recollection of what happened with -- after the
8 presentation was given, what happened next on the
9 Freeman case?

10 A. I think there was speculation that they
11 didn't have enough to move forward in the room.

12 Q. Were there small group discussions of any
13 kind?

14 A. No. I think there were probably -- you
15 asked me earlier, I did respond. I think there were
16 probably -- generally you'll find about 50 people
17 there at the case presentation.

18 Q. Okay. After the presentation, did half of
19 them get up and leave? Did all of them get up and
20 leave or stick around and --

21 A. Yeah, they stuck around and chatted for a
22 while. They all had their opinions about this, that
23 and whatever else. I think that even Dannels and
24 the police officer and everybody but the prosecutor
25 thought that they needed more development and that

1 they couldn't move forward with the prosecution.

2 However, then, we went to dinner, and it
3 was at dinner, I believe -- it could have happened
4 at the meeting, but I think it was at dinner, then,
5 that the prosecutor then said that he thought it had
6 legs and that he always wanted to try a
7 circumstantial case and this -- he wanted to move
8 forward on this, and I think Dannels and the other
9 police officer weren't gobsmacked pleased, but
10 gobsmacked by it all, okay?

11 Q. Did you get the impression that the
12 prosecutor was not convinced before coming to
13 Vidocq?

14 A. I don't know.

15 Q. Okay. I'm just kind of wondering why you
16 got the sense that Dannels and the other police
17 officer were gobsmacked. It seems to me that if the
18 prosecutor was already convinced that he could go
19 forward, there wouldn't be much reason to come up to
20 present at Vidocq Society.

21 A. Well, how about this reaction, I'll
22 imitate it, "Really?"

23 Q. Okay. So do you recall -- you went out to
24 dinner, who all went to dinner with you?

25 A. Just them and myself.

1 Q. Anyone else from Vidocq decide to go with
2 you?

3 A. No.

4 Q. What was discussed at the dinner?

5 A. The case.

6 Q. What specifically was discussed about the
7 case?

8 A. Well, I think that they were still quite
9 loose, very, very loose in their understanding of
10 the collection of material that they had. I then --
11 I think I offered the suggestion that from my
12 understanding that it was a PA case, that I would
13 have some more evidence and to affirm that and I'd
14 like to see more crime scene photos and all that,
15 kind of stuff, okay?

16 Q. So at that point, was there a decision
17 made that you would come back to Coquille with them
18 at some point?

19 A. They asked me if I would, and I think I
20 said it would depend on whether Vidocq agrees with
21 it.

22 Q. And apparently Vidocq agreed with you.

23 A. Yes.

24 Q. Because you went back.

25 Do you recall during the presentation, did

1 you take any notes?

2 A. No.

3 Q. Did you see anyone else at Vidocq taking
4 any notes while they were reviewing the case?

5 A. I would disapprove.

6 Q. How about at the dinner, any notes taken
7 at the dinner by anyone that you recall?

8 A. I can't affirm positively. I think the
9 investigator did.

10 Q. Okay. And then after you had the dinner
11 and talked a little bit, what happened next? How
12 did the dinner end?

13 A. I went home. I went back to my hotel
14 room. I can't remember -- it had to be Vidocq
15 called me, or Fred, and said that they had contacted
16 and wanted me to come out and I said "What does the
17 Vidocq Society think about that?" and he said "It's
18 your decision," and apparently it was okay and now
19 the whole issue of payment and stuff is a mystery,
20 but anyway, I got there.

21 Q. And did Mr. Bornhofen say who had
22 contacted him?

23 A. No.

24 Q. So we don't know if it was Dannels or
25 Frasier or who?

1 A. Right.

2 Q. Okay. And when you say the question of
3 payment is a mystery, what do you mean?

4 A. We never could figure out who paid for the
5 airfare and all that kind of stuff.

6 Q. Okay. Was it another one of those things
7 where you tried to look at Vidocq's records, talked
8 to the travel agents and that sort of thing?

9 A. Yeah. Yeah.

10 Q. And there's no record of Vidocq paying for
11 it?

12 A. Well, they didn't -- they changed Frasier
13 and all this kind of stuff, but I talked to the most
14 recent treasurer and he looked and they only have
15 six years back, they don't have ten years back.

16 Q. So the decision was made that you would
17 travel to Coquille and that Vidocq would
18 participate.

19 What was the plan for Vidocq Society's
20 involvement in the pre-investigation?

21 A. Me going out and getting ideas and giving
22 them suggestions and giving them a sense of
23 perspective and letting them make up their own mind.
24 That's how they wanted to proceed. I did not say
25 "Go get him," okay? It's their choice. I was there

1 only as an interested pro bono person. It's their
2 case, not mine. I wasn't the investigator. I
3 didn't do the cross checking of their facts, that
4 sort of thing. It was just a -- it was a thought
5 stimulated -- hopefully a thought stimulating
6 exercise for them so they could understand their
7 case.

8 What they do with that case is their
9 problem or their benefit, not mine.

10 Q. Was the involvement with any other Vidocq
11 Society members contemplated?

12 A. Not that I know of.

13 Q. Who is Mark McClish?

14 A. I don't know.

15 Q. Do you know what his involvement was?

16 A. I don't know who he is.

17 (Exhibit No. 5 marked.)

18 Q. Okay. Let me show you what's been marked
19 as Exhb. 5.

20 I'll represent to you that this is a blog
21 post from a blog that's maintained or a website
22 maintained by somebody named Mark McClish, and this
23 was from September 23, 2011, and it's about Leah
24 Freeman, the investigation, and he says down here,
25 "In November of 2009, the Vidocq Society asked me to

1 analyze the statement McGuffin gave to the police
2 shortly after Freeman disappeared."

3 I'm wondering if you -- first of all, did
4 you ask Mr. McClish to analyze any evidence or any
5 statements made by Mr. McGuffin?

6 A. Absolutely not, and I talked to Bill
7 Fleisher and nobody from Vidocq asked.

8 Q. Okay. Because this date here, November of
9 2009, if I understand correctly, that would have
10 been, what, a month or more before Dannels came out
11 and presented to Vidocq?

12 A. I can't remember when he came out.

13 Q. Okay. So that's another one of the
14 reasons I'm asking if you had any involvement in the
15 case prior to them coming out to present it.

16 A. No. We didn't know anything about it.

17 Q. Okay. Have you ever seen this blog post?

18 A. I've heard about it. I haven't seen it.

19 Q. Okay. What have you heard about it?

20 A. That the fact it was on, but I was never
21 involved.

22 Q. Okay. Did you at any point watch the
23 ABC 20/20 series on -- the original series on the
24 Freeman disappearance and investigation?

25 A. Way back when the first time, yes.

1 Q. Do you recall Mr. McClish appearing on
2 that show?

3 A. No.

4 Q. Okay. Do you recall him being a member of
5 the Vidocq Society?

6 A. Absolutely not.

7 Q. Okay. And then -- okay. So assuming that
8 the Vidocq Society did not ask Mr. McClish to get
9 involved, do you know if they asked anyone other
10 than Mr. McClish to get involved?

11 A. I do not know.

12 Q. What's that?

13 A. I do not know.

14 Q. Okay. And what was the plan for your
15 involvement in the investigation?

16 MS. SCHAFFER: I'll object; that's asked
17 and answered, I believe.

18 Q. Okay. That was when you said earlier that
19 you were just going out there to be a pro bono
20 resource?

21 A. Yep.

22 Q. Where did you get your training in
23 investigating crime?

24 A. A wide range of services, mostly applied
25 training, though I did attend a couple classes while

1 there for other reasons, classes at FBI, but more
2 than that, correct working around a lot of
3 investigators, you learn, if you want to learn, you
4 learn and you develop and you make some mistakes,
5 but you also learn from your mistakes. Across time,
6 you learn to improve.

7 Q. So most of that learning takes place in
8 Michigan, then?

9 A. All over.

10 Q. Who would you consider the person you
11 spent the most time with in terms of learning how to
12 investigate a crime scene?

13 A. Keppel.

14 Q. Okay. Anything one else?

15 A. I didn't think of anybody at the moment.

16 Q. Did you receive any training on crime
17 scene preservation or documentation?

18 A. It's not my forte, so therefore, I leave
19 that to the experts.

20 Q. Okay. How about things like bloodstain
21 pattern interpretation or fingerprint analysis,
22 anything like that?

23 A. I let everybody do the job that they're
24 able to do.

25 Q. How did the law enforcement investigation

1 play into the crime assessment?

2 A. Run that by me one more time.

3 Q. Well, my original question was how does
4 the law enforcement investigation play into
5 profiling in your role as a profiler, but I
6 understand from earlier that you'd probably prefer
7 not to be called a profiler here, so my question now
8 is how does the law enforcement investigation play
9 into your crime assessment?

10 A. Okay. It's wonderful, what they then do,
11 if they learn crime assessment, then they learn to
12 assess the scene, they learn what they're looking
13 at, hidden as well as open, and from that, then,
14 it's going to give them a jump lead, then, on
15 looking for, in this case, a power-assertive type
16 person, et cetera, amongst her friends, enemies, or
17 whatever else, so you're going to keep a lookout.

18 You're going to look at other people, too,
19 but the crime scene is already giving the
20 investigator a heads up, and he can also then
21 explain to the court why he did what he did
22 rather -- because of this, because of his training
23 and whatever else, as opposed to profiling which is
24 speculative and has to have a belief system that is
25 not always solid.

1 Q. Okay. And so what aspects of the
2 investigation do you rely on in trying to do your
3 analysis in trying to reach conclusions about the
4 type of --

5 A. The crime scene -- the crime scene is
6 always the center point. At your crime scene,
7 everything moves from there. If you run to the
8 suspect first without understanding your crime
9 scene, unless you're unnaturally lucky, you're
10 probably going to make an error.

11 Q. Okay. So what do you do to review the
12 crime scene, like in a case like this, if you have a
13 case -- well, not like this, but a case that's two
14 years old, it's a cold case, the crime scene has
15 probably been sifted over, and in some cases it's
16 been cleaned up and folks have moved on, so where do
17 you draw information from to complete your crime
18 assessment?

19 A. Well, one of the things you want to do is
20 check the crime scene without interference or
21 staging, which is very, very common. When you see
22 staging, then, you realize it's not what it appears,
23 it's trying to avoid, then, and confuse the police.
24 Well, if you can unconfuse the police, then, and
25 they can see it for what it is rather than what it

1 appears to be, then you can start making significant
2 headway.

3 Q. Right, and I imagine it's easier to look
4 for those things if you're on the crime scene
5 initially or you're a first responder or you're
6 there when the investigation is fresh, but for you,
7 you're coming into most of these cases quite a while
8 after the crime scene has already been dealt with,
9 so for you personally, what is it you look at to
10 figure out the crime scene, the police reports, the
11 lab reports, the interviews, what is it that you
12 draw on to reach your conclusions?

13 A. Pictures. Pictures.

14 Q. Photos?

15 A. I want to see the photos, because what
16 most other people see and they describe it to me is
17 quite different than what I see when I look at it.

18 Q. Okay. So do you look at anything other
19 than the photos?

20 A. Oh, yeah. I look at the photos, I look at
21 the autopsy, I look at certainly the vicinity and
22 who discovered the body and all these other kind of
23 traditional issues.

24 Q. Okay. And then -- so you developed an
25 opinion of the classification for the crime in the

1 Freeman investigation.

2 Is that right?

3 MS. SCHAFFER: Objection; misstates the
4 witness' testimony. I don't believe he ever
5 testified that he formed an opinion.

6 Q. I thought you testified that you thought
7 this was a power assertive.

8 A. I didn't testify. Oh, I testified -- I
9 think it is, was a power-assertive case, but -- I
10 forgot what started the argument.

11 Q. I'm sorry, I didn't mean it to be an
12 argument. I was just asking if -- I was just asking
13 if it was correct that you had developed a theory or
14 an opinion of the typology of the perpetrator and
15 the crime scene in this case.

16 A. I developed my own opinion, but I didn't
17 necessarily share that. I shared with them what
18 their evidence showed. They can draw the
19 conclusion, then, whether it fits or doesn't fit and
20 whether he's the guy. He did -- I mean, they did
21 make that judgment and they thought it was then
22 the -- McGuffin, whatever his name is.

23 Q. Okay. And that was based on their
24 understanding of your theory about power assertive
25 versus power reassurance versus anger retaliation

1 versus anger --

2 A. Exactly, that you have major differences.

3 Q. Okay. So let me show you here what's been
4 marked as Exhb. 6.

5 MS. SCHAFFER: Do you want to take a short
6 break?

7 MR. LAUERSDORF: Yeah, do you want to take
8 a break real quick? This next exhibit is probably
9 15 to 20 minutes, so if you want to take a break,
10 now is a good time.

11 MS. SCHAFFER: Andy, how much more time do
12 you have? I know we've taken some breaks, but we're
13 on hour eight, so I'm willing to go another 30
14 minutes, because I think we've probably taken an
15 hour in breaks, but this is a long day for the
16 witness.

17 MR. LAUERSDORF: Yeah, and I think we're
18 going to have to call him back anyway, and I know
19 you'll object to that and we'll have to get some
20 guidance from the court on that, but I probably have
21 another hour.

22 MS. SCHAFFER: Yeah --

23 MR. LAUERSDORF: If you want to suspend it
24 and we can go talk to the court about resuming it or
25 if you just want to resume it, because he's

1 mentioned a number of documents that I think frankly
2 are probably responsive to our request for
3 production that haven't been produced.

4 He's mentioned a number of other documents
5 today that he's willing to produce, so I'm guessing
6 that we're going to get some documents that we're
7 going to want to ask him about at some point in the
8 future anyway, and then there's the whole time that
9 was taken up with the refusal to answer stuff, so I
10 think there's a good chance the court is going to
11 let us come back anyway.

12 If we can reach an agreement on that, I
13 can agree to limit the time and be pretty
14 circumspect, but if you want to cut it off, trust
15 me, it's been a long day for me, too.

16 MS. SCHAFFER: No, I understand.

17 Let me talk to him and see how he's doing.
18 You saw what happened before lunch.

19 MR. LAUERSDORF: Yeah.

20 MS. SCHAFFER: He tried to hang in there.
21 Health wise, again, it's not great, so I'm trying to
22 be really sensitive to that. I know he's not going
23 to want to come back.

24 MR. LAUERSDORF: Let me -- if I can just
25 get through this last exhibit, and I think we can

1 get through it actually pretty quick. It looks like
2 a lot more information on my outline than it really
3 is. I think we can finish up by 4:30.

4 MS. SCHAFFER: Okay. And again, it's 7:30
5 here.

6 MR. LAUERSDORF: I know.

7 (Pause in deposition: 4:05 - 4:09 p.m.)

8 (Exhibit No. 6 marked.)

9

10 BY MR. LAUERSDORF: (Continuing)

11 Q. All right. I'm going to show you now
12 what's been marked as Exhb. 6.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED].

17 [REDACTED] [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED]

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 Q. You were a founder of the organization,
5 correct?

6 A. Right.

7 Q. Did you have any role in establishing the
8 procedures or protocols for the organization?

9 A. Primarily, that was left to others on the
10 board, because I was not on the board originally.

11 [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED]

8 Do you know if any polygraph tests were
9 provided to Vidocq in part of the presentation?

10 A. I don't know. I don't know.

11 Q. Mr. Fleisher has some kind of
12 specialization in polygraph.

13 Is that right?

14 A. That's correct.

15 Q. Do you recall him being involved in this
16 investigation at all?

17 A. Not with polygraph. He may have been, but
18 I don't know anything about it.

19 [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

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16 [REDACTED]
17 When did you stop communicating with Chief
18 Dannels on the Freeman investigation?
19 A. When I left the city.
20 Q. Okay. How long were you in Coquille?
21 A. I think three days, three days.
22 Q. You said when you went there, you thought
23 it was cold.
24 A. Yes.
25 [REDACTED] [REDACTED]

1 [REDACTED] does
2 that give you any better recollection of when you
3 were in Coquille?

4 A. I just knew it was cold and they put me up
5 in the gambling house.

6 Q. So the casino?

7 A. Correct.

8 Q. And then after you left, after the 20/20
9 airing and after you left, did you correspond with
10 Dannels after that at all?

11 A. No.

12 Q. How about DA Frasier?

13 A. No.

14 Q. Did Frasier ask you to appear for the
15 grand jury at all?

16 A. No.

17 Q. Did you ever ask about that?

18 A. No.

19 Q. Did you ever talk to Frasier after leaving
20 Coquille?

21 A. No.

22 Q. Do you know who at the Vidocq Society was
23 following up on the Freeman investigation after you
24 left Coquille?

25 A. No.

1 Q. Then why didn't you have any
2 correspondence with anybody on the Freeman
3 investigation after you left Coquille?

4 A. Because I did my job of basically giving
5 them options and looking at the -- and ideas and
6 their observations, et cetera, and that was my job.
7 I wasn't there to be a detective, it was there to
8 educate them on what they claimed that they had.

9 Q. Well, whose idea of Mr. McGuffin and
10 Ms. Freeman getting in a fight where her bloody shoe
11 was found, was that something that was discussed at
12 dinner?

13 A. No, it was discussed when I was there.

14 Q. In Coquille?

15 A. Yes.

16 Q. Oh, okay.

17 Do you recall it being discussed at all at
18 the dinner or during the presentation in
19 Philadelphia?

20 A. No. No.

21 Q. Okay. So when you did go to Coquille,
22 then -- well, I guess at any time during your
23 involvement, did you review any of the police
24 reports that had been generated on the Freeman
25 investigation?

1 A. Not at all.

2 Q. How about did you review any of the lab
3 reports that had been generated?

4 A. No.

5 Q. Did you ever discuss or hear anything
6 about reports from the Chorley laboratory in
7 England?

8 A. About the what?

9 Q. The Chorley Laboratory in England,
10 C-H-O-R-L-E-Y.

11 A. I don't know anything about it.

12 Q. Did you review the autopsy report?

13 A. I don't know. I can't remember.

14 Q. What did you do to determine what position
15 the body was in when it was found?

16 MS. SCHAFFER: Can you restate that
17 question.

18 Q. Yeah, what did you do to determine the
19 position that the body was in when it was found?

20 A. I'm not sure that I said anything about
21 it.

22 Q. Do you recall talking to anybody about the
23 position that the body was found in or the condition
24 of the body when it was found?

25 A. Well, she was thrown away like trash, but

1 aside from that, if it would have been an anger
2 retaliatory killing, that would have been much more
3 important, but it's not, it's a PA, so body position
4 has much less importance than it would if it were an
5 anger retaliatory.

6 Q. Okay. So when you say she was thrown away
7 like trash, what do you base that on?

8 A. Because they took me to the scene, showed
9 me where she went over, described where she was, and
10 I may have looked at the pictures they took before
11 they removed her, but it was -- it's obvious that
12 they were just trying to get rid of the body and get
13 out of there.

14 Q. Who took you to the scene?

15 A. The chief and a cadre of his people.

16 Q. Do you remember anyone else who was there
17 other than Dannels?

18 A. No. I know there were other people there.

19 Q. Do you know how many other people were
20 there?

21 A. No.

22 Q. How long did you spend at the scene?

23 A. Probably -- maybe 25 minutes.

24 Q. Okay. And did you look at photos of the
25 scene?

1 A. Yes.

2 Q. At the time when the body was found?

3 A. Yes.

4 Q. Okay. And so from that and the
5 conversations that you had, you concluded that she
6 had been thrown or dumped there rather than placed
7 there?

8 A. Right.

9 Q. And what is that based on?

10 A. Well, it was on a steep incline over --
11 just off the road, so whoever did it took her and
12 probably put her at the top and rolled her down, so
13 that's where she ended.

14 Q. So do you base that on your -- is that a
15 common sense thing or do you have some kind of
16 experience with biomechanical analysis or physics or
17 what are you basing that on?

18 A. I'm basing it on the fact that PAs don't
19 like anger on dead bodies, so they try to get rid of
20 them as soon as possible and they will do it
21 quickly, so there's not a great deal of care or
22 elegance of posing or any of the other kinds of
23 things you'll find with other murder types.

24 Q. But that presumes that you are -- that
25 presumes that you are looking at a PA as opposed to

1 one of the other types?

2 A. Exactly.

3 Q. So are you saying that in your opinion,
4 the body could not have ended up in the position it
5 ended up in unless the perpetrator was a PA?

6 A. No, I'm not saying that.

7 Q. Okay. So that's where I get a little bit
8 confused.

9 A. Yeah, that's too exclusionary, but if
10 you're looking at probability, it makes sense that
11 it went down that way. Other things could have
12 happened, yes, but for PAs, that would be unusual.

13 Q. Okay. That's the issue that I -- that I
14 guess I'm struggling with, though, is you bring in
15 the concept of probability which suggests some kind
16 of statistical basis, so what I'm wondering is -- it
17 seems like a chicken and egg thing, right?

18 A. Right.

19 Q. We conclude that it was a PA, and
20 therefore, the condition of the body and the
21 position of the body makes sense. It happened --

22 A. Right. Right.

23 Q. But if you take away the presumption that
24 it's a PA --

25 A. Right.

1 Q. -- then there's multiple other plausible
2 explanations for how a body ends up in the position
3 that it ends up in?

4 A. Yeah. Well, it's a matter of ideas, okay?
5 And it's a matter of probability and likelihood.

6 Is it absolute? No. Is it likely? Yes.
7 Is it a major case issue? I don't think so, but it
8 is consistent with the rest of the story told.

9 Q. Okay. And so when you say when you apply
10 probability, are you talking about probability from
11 essentially a common sense perspective or did you
12 actually do some math? Was there actual statistical
13 analysis and probability theory employed?

14 A. Oh, Keppel and I both work extensively on
15 all of those subtypes that -- and we did the stats
16 on them and we work on them, and independent of what
17 reviewers may think, I stand by the work that we
18 did, so is there -- is there probability factors in
19 play? Yes. Statistically, yes, so again, just
20 because probability is there, strange things can
21 happen. I'm not saying it's absolute. I'm saying
22 it's likely.

23 Q. But there was no -- you didn't do any --
24 you didn't do any statistical analysis of applied
25 probability theory to each of the variables that

1 were present in this particular case, right? You
2 just did that with the general categories that you
3 described in the Keppel report, and that's based on
4 your interviews at the Michigan DOC, right?

5 A. Yeah, I hear you. I think it's a bit
6 glib, okay? And I look at the major overview of the
7 case and then I look at individual bits of the case
8 and I then came to the conclusion that it made sense
9 that it was a PA and that these factors were all
10 elements of PA.

11 Q. Okay. And you discussed that with Chief
12 Dannels and --

13 A. Right.

14 Q. Okay. Did you review any of the
15 polygraphy reports?

16 A. Any of the who?

17 Q. Polygraphy reports.

18 A. No.

19 Q. You said photographs, did you review any
20 of the witness interviews?

21 A. I didn't review them. I was told about
22 them.

23 Q. Okay. By who?

24 A. Dannels.

25 Q. Did you review any video recordings of the

1 retrieval of the body?

2 A. No.

3 Q. How about any video recordings of any of
4 the witness interviews or grand jury testimony?

5 A. Any review of the what?

6 Q. Any video recordings of witness reviews or
7 grand jury testimony?

8 A. No.

9 Q. How about any physical evidence like the
10 shoes or evidence collected from the body retrieval,
11 anything like that?

12 A. I have no memory of that.

13 Q. And how about media reports, did you
14 review any of the newspaper articles about the
15 disappearance or the homicide --

16 A. No.

17 Q. -- or anything like a blog or anything --

18 A. No.

19 Q. Okay. I think I asked you this before,
20 but I have to circle back. I'm trying to figure
21 out, my understanding from some of the other
22 depositions is Dannels and his crew came out, they
23 presented at Vidocq, and somewhere in there the idea
24 was generated to bring publicity back to the case,
25 so they came back and had this press conference

1 right away, and so I'm just wondering if you recall
2 whose idea it was to bring publicity to the case.

3 A. I have no idea.

4 Q. Okay. It wasn't yours?

5 A. Nope.

6 Q. Okay.

7 A. No. Heaven's sake, no.

8 MR. LAUERSDORF: Okay. I think that's a
9 decent stopping point for now. I'm going to suspend
10 the deposition at this point and reserve the right
11 to resume it at a later date. I understand that
12 we'll probably need to seek some guidance from the
13 court on that.

14 But it's been a long day. I understand
15 that you've been ill in the recent past, and frankly
16 I don't want to push you much farther, and I think
17 we've got some additional discovery that you're
18 going to be gracious enough to produce that we
19 talked about earlier today and I may want to ask you
20 some question about that as well.

21 So I'm just letting everybody know, I
22 don't want to get in an argument, but I want to give
23 everybody a heads up that I plan to try to call you
24 back and ask you a few more questions, probably
25 another hour of questions at some point in the

1 future. Just a heads up. Your attorney and I will
2 argue about that with the court, but for now, I'm
3 suspending the deposition.

4 THE WITNESS: Thank you.

5 MS. SCHAFFER: Yeah, I just want to go on
6 the record and make my objection to that that we've
7 been going now for eight and a half hours and I --
8 you know, based on FRCP 30, the time limit for these
9 depositions was seven hours, so I don't think
10 there's any basis to continue. You've had a full
11 day for any and all questioning, so I would object
12 to any request or motion to continue the deposition.

13 MR. LAUERSDORF: Okay. We can go off the
14 record.

15 Oh, wait a second. Let's go back on the
16 record for second.

17 While your mind is fresh, I think earlier
18 you said at some point, you said "What I still don't
19 understand about this case," and then I said "Were
20 you finishing a thought there or what was going on?"
21 and you said "No, I'll wait for a question."

22 So now my question is: What is it that
23 you still didn't understand about the case at that
24 point?

25 A. I don't remember.

1 MR. LAUERSDORF: All right. Fair enough.

2 Okay. Then just ditto the same thing I

3 said about suspending and reserving the right to

4 resume. I understand that Ms. Schaffer has an

5 objection and you don't need to make it again, it's

6 noted for the record and we can go off the record.

7 (Deposition adjourned at 4:37 p.m.)

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1 STATE OF OREGON)
2 County of Multnomah)

3
4 I, Aaron M. Thomas, Certified Shorthand
5 Reporter, Registered Professional Reporter, and
6 Notary Public for the State of Oregon, do hereby
7 certify that ROBERT WALTER personally appeared
8 before me at the time and place mentioned in the
9 caption herein; that the witness was by me first
10 duly sworn on oath and examined upon oral
11 interrogatories propounded by counsel; that said
12 examination, together with the testimony of said
13 witness, was taken down by me in stenotype and
14 transcribed through computer-aided transcription;
15 and that the foregoing transcript constitutes a
16 full, true and accurate record of said examination
17 of and testimony given by said witness, and of all
18 other oral proceedings had during the taking of said
19 deposition, and of the whole thereof.

20 Witness my hand and Notarial Seal at
21 Portland, Oregon, this 9th day of July, 2022.

22

23

24

25

Aaron M. Thomas
Oregon CSR 04-0388